

**ARTICLE 1
GENERAL PROVISIONS**

SECTION 101 TITLE

The official title of this Ordinance is: Harveys Lake Borough Zoning Ordinance.

SECTION 102 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection and promotion of the public health, safety, convenience, comfort, morals, and general welfare of the residents of Harveys Lake Borough. In the event of any conflict in the application of this Ordinance with other applicable public or private provisions, the following shall apply:

A. PUBLIC PROVISIONS

The regulations of this Ordinance, are not intended to interfere with or abrogate or annul any other ordinance, rules or regulations previously adopted or previously issued by Harveys Lake Borough which are not in conflict with any provisions of this Ordinance. Where this Ordinance imposes a greater restriction upon the use of land, structure or building than any other previously adopted ordinance, rules, or regulations of Harveys Lake Borough, the provisions of this Ordinance shall apply.

B. PRIVATE PROVISIONS

The regulations of this Ordinance, are not intended to interfere with or abrogate or annul any easement, covenant or other form of private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern. Harveys Lake Borough shall not however be held responsible for knowledge and/or enforcement of any private deed restriction, private covenant or other form of private agreement which may be inconsistent with the provisions of this Ordinance and/or beyond the scope of regulations contained within this Ordinance.

SECTION 103 COMPLIANCE WITH ORDINANCE REQUIRED

Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations herein specified for the zoning district in which it is located.

SECTION 104 CONFLICTING REGULATIONS

In the event that any provisions within this Ordinance are found to be in conflict with another provision of this Ordinance, and/or any other ordinance, law, or regulation of the Borough, State or United States Government, the most restrictive shall apply.

SECTION 105 PURPOSE:

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The provisions of this Ordinance are designed to achieve the following:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as reservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided however, that the zoning ordinance shall not be deemed invalid for the failure to provide any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 106 COMMUNITY DEVELOPMENT OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving and promoting the following goals and objectives:

- A. To maintain existing patterns of moderate density development and rural/suburban character of the Borough while allowing for new growth and development.
- B. To insure the use of land within the Borough is capable of providing for sufficient development of residential, commercial, industrial and public uses to meet the needs of the Borough in proper locations in relationship to available infrastructure.

- C. To prevent the pollution of lakes, air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- D. To examine all proposed developments in relationship to its potential impact upon environmental resources and to avoid all forms of pollution within the Borough and region.
- E. To provide for a variety of housing types to satisfy diverse housing markets, including those for the elderly, single persons, handicapped individuals and couples without children.
- F. To have development proposals reviewed with consideration given to soils, topography, environmental factors, road access and the provision of proper public utilities.
- G. To preserve environmentally sensitive areas and areas of scenic and natural beauty from intensive or inappropriate development.
- H. To identify any recreational needs of the Borough and to locate any needed facilities in coordination with existing or planned regional, County or State Parks to foster a balanced recreational system.
- I. To provide an adequate transportation system for the safe movement of people and goods within all sectors of the Borough and areas beyond.
- J. To provide commercial development in selected areas in accordance to the market needs of the Borough and surrounding areas.
- K. To insure all new development provides adequate measures to control storm drainage and soils erosion and sedimentation.
- L. To periodically review the scope and provision of community and public services and facilities, with the intent to improve and expand such services and facilities as needed within the fiscal means and limitations of the Borough.
- M. To continue to promote recycling measures within the Borough.
- N. To coordinate Borough plans and programs with County, State and Federal plans, policies and programs with the intent of seeking such governmental funding when applicable to the Borough's plans.
- O. To continue to cooperate with other adjoining municipalities on intergovernmental issues of mutual concern.

- P. To continue to conduct municipal affairs in an efficient, economical and fair manner for the welfare of all citizens and to be committed to professional planning within the administration and governing of the Borough.

SECTION 107 REPEALING PROVISION

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance.

SECTION 108 EFFECTIVE DATE

All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including the Harveys Lake Borough Zoning Ordinance of 1992, as amended, excluding the current Zoning Map, are hereby repealed.

APPROVED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARVEYS LAKE ON THIS 20TH DAY OF MAY, 2009

Council President

Mayor

ATTEST:

Borough Secretary