

**ARTICLE 1
GENERAL PROVISIONS**

SECTION 101 TITLE

The official title of this Ordinance is: Bear Creek Township Zoning Ordinance.

SECTION 102 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 103 COMMUNITY DEVELOPMENT OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving and promoting the following goals and objectives of the Bear Creek Township Comprehensive Plan of December 19, 1996 which read as follows:

Goal 1: Maintain the Township's Existing Rural Community Character

The Township's physical environment, regional location and past development practices have shaped its character. The Township is perceived as an attractive rural/residential community offering a high quality of life and has long been known as a tourism-recreation area. Future development must be controlled and managed with an overriding concern to sustain the Township's rural community character and preserve the tourism-recreation based economy.

Objectives:

- A. Develop local land use controls including flexible zoning performance standards to control density and minimize conflicts between existing and future development, and update the controls periodically to address changing conditions.
- B. Carefully control the location and scale of commercial and industrial establishments while recognizing the importance of such development to the tax base.
- C. Encourage the use of soil based methods for sewage disposal; that is, on-site subsurface disposal and land application, instead of collection and treatment facilities with surface water discharge unless necessary to address documented problems.
- D. Consider the use of "open land" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.
- E. Cooperate with local historic preservation groups to identify and preserve the remaining historic structures and sites in the Township.
- F. Control common law nuisances and threats to public health and safety resulting from, among others, noise, lack of property maintenance, poor building practices, junk accumulation, odors and uncontrolled burning.
- G. Provide for adequate community facilities including sewage disposal and water supply via the sub-division and land development ordinance.

Goal 2: Conserve Open Land and Tourism-Recreation as an Important Element of the Local Economy

Open land was the cornerstone of the foundation of the Township when its earliest settlers arrived, and has played a key role in the growth and development of the Township. Without this open land and the natural resources it offered, followed by the recreation opportunities it now offers, the character of the Township would be dramatically different. From the time of the tourism development associated with the railroad, through the time of tremendous increase in the number of second homes, tourism and recreation have remained an important part of the economy.

Objectives:

- A. In the Township zoning ordinance, continue to provide for tourism and recreation related businesses in all areas where conflicts with residential uses will not occur.
- B. Encourage the use of Act 319 "Clean and Green" and other tax incentive programs as a means of forestalling residential development because such development is a "liability" in terms of tax dollars collected versus cost of public services required.
- C. Consider the use of "open land" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.
- D. Cooperate with local organizations such as the Chamber of Commerce to promote tourism, which will not destroy the qualities of the Township, which make it so attractive.
- E. Avoid the construction of growth inducing community facilities such as central sewage collection and treatment facilities, which would encourage the development of areas with important natural, scenic and cultural features and open land areas; except as needed to correct existing sewage disposal problems.
- F. Evaluate, in cooperation with the County Planning Commission, more progressive means of open and agricultural land preservation including open land zoning, purchase of easements, and transfer of development rights, especially in cooperation with conservancy and land trust organizations.

Goal 3: Encourage Commercial and Industrial Development Located and Designed to Be Compatible with Existing Land Use and the Tourism Recreation Trade.

A healthy economy fosters a healthy community by providing business development and employment opportunities. Local government may choose not to take a direct role in economic development, but can institute land use control and development policies that have a positive effect on the local economy and tax base, while addressing community conservation concerns. While recognizing the importance of the tourism-recreation sector of the local economy, Township Officials recognize the need for economic diversification.

Objectives:

- A. Use the Township zoning ordinance to direct new commercial development to areas of existing commercial development and where community facilities are adequate.

- B. Encourage commercial cluster development to avoid commercial strip development.
- C. Promote local economic viability by allowing home occupations consistent with residential zoning districts and the overall community character.
- D. Recognize the importance of the regional economy and monitor and participate in County and regional business development activities.
- E. Adopt, monitor and update commercial and industrial development standards to protect the public health, welfare and safety, to preserve community character, and to minimize conflicts with the tourism-recreation trade.
- F. Consider joint municipal zoning as a means of recognizing the regional nature of development patterns and for locating commercial and industrial uses proximate to such existing uses and where community facilities are adequate.

Goal 4: Provide for a Variety of Housing Types and Densities

Families and individuals of all income levels reside in Bear Creek Township and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed.

Objectives:

- A. Allow residential development in certain areas at a density sufficiently high to moderate the increasing cost of housing.
- B. Encourage the rehabilitation and adaptive reuse of existing older homes which typically are larger and more difficult to maintain, especially for individuals on fixed incomes.
- C. Investigate and encourage participation in all county, state and federal housing rehabilitation and assistance programs to assure residents have the opportunity to receive full benefit from such programs.
- D. Require all residential development to meet adequate design standards and provide proper community facilities via the subdivision and land development ordinance.
- E. Require in the subdivision ordinance the continued ownership and maintenance of all improvements and facilities associated with residential development.

- F. Foster a housing market affordable to younger and fixed-income residents by carefully evaluating the affect of land use controls on the cost of housing.
- G. Consider joint municipal zoning as a means of recognizing the regional nature of development patterns and the need for housing and to provide higher density housing where adequate community facilities exist.

Goal 5: Provide Community Facilities and Services Which Will Be Adequate to Meet Expected Needs

Township residents rely on community and public facilities and services to meet their supply, sewage disposal, police protection, emergency response, recreation and other daily living needs. A small rural township does not, and cannot, provide all the facilities and services demanded by its residents. Many such services are provided by other levels of government, or volunteer organizations. Nevertheless, the Township is responsible for certain community facilities and services, and recognizes the need to prove the same cost effectively.

Objectives:

- A. Systematically identify local municipal community facilities and services needs and development a capital improvements budget to meet the needs.
- B. Encourage and support volunteer fire, ambulance and other public service organizations.
- C. Assess recreation needs of residents and develop a program to provide recreation opportunities which are not adequately provided in the Township, local school district or other organizations; and maintain the existing Township facilities.
- D. Monitor the need for local police protection with a clear understanding of the large financial commitment necessary to maintain a local police department, and consider methods to provide affordable police protection using local and cooperative resources, as well as the Pennsylvania State Police.
- E. Assure that adequate and safe water supply and sewage disposal, well designed and constructed roads, and other facilities are provided by developers as part of any residential development.
- F. Manage all municipal facilities and services efficiently and effectively.
- G. Foster intergovernmental cooperation for community facilities planning and economies of scale from police services, joint purchasing, recreation and other facilities and services.

Goal 6: Establish and Maintain a Road System Adequate to Safely and Efficiently Move Goods and People Through the Township

Safe and well maintained roads are vital to all communities, serving not only as the means of travel within the community, but as the direct link to the region and beyond. The Township has direct jurisdiction over many of the roads in the community, being responsible for improvements and maintenance, with the more heavily traveled routes generally owned and maintained by the state. The Township understands its responsibility to maintain its roads in a condition adequate to meet the volume of traffic carried.

Objectives:

- A. Inventory and classify according to function all public roads in the Township and assess maintenance and improvements needed.
- B. Identify accident-prone areas, key intersections and other problem areas, and plan for improvements.
- C. Maintain an up-to-date Township road ordinance, setting standards for construction of public roads and establishing procedures for dedication to the Township.
- D. Maintain the adequacy of roads by requiring adequate off-street parking and loading, limited curb cuts, and well defined access points.
- E. Require as part of zoning approval for new or expanded uses, the issuance of a highway occupancy permit by the Township or PA DOT, as appropriate.
- F. Maintain an up-to-date Township road occupancy ordinance, setting standards for driveway access to Township roads and storm water and utility improvements within the Township road right-of-way.
- G. Limit higher density and higher traffic impact development to areas with adequate highway capacity to accommodate such development.
- H. Actively participate in all County and PA DOT highway planning programs to assure the Township's needs are addressed.
- I. Encourage intermunicipal cooperation as a means of addressing regional highway needs.

Goal 7: Conserve the Township's Natural Resources and Open Space and Use the Resources in a Way to Sustain the Area's Economy

Exploitation of the natural resources and sensitive environmental areas in the Township can lead to the decline of the attractive rural character of the area and the quality lifestyle

it affords, with eventual direct threats to public health and safety. Of special concern are soil and water resources.

Objectives:

- A. Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and food plains, and adopt regulations to protect such areas.
- B. Evaluate Township land use controls in terms of effects on open space and modify to maintain open space to the greatest extent possible.
- C. Maintain up-to-date standards in Township ordinances for storm water control, soil erosion and sedimentation control, sewage disposal, solid waste disposal and other environmental concerns.
- D. Consider the use of land use control incentives, such as density bonus, for the preservation of large sensitive areas such as prime agricultural land.
- E. Consider the use or "open land" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.

SECTION 104 REPEALING PROVISION

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including but not limited to the Bear Creek Township Zoning Ordinance of August 11, 1994, as amended, (Zoning Chapter 127 from the Code of the Township of Bear Creek) and the current Bear Creek Township Zoning Map, as amended are hereby repealed in their entirety.

SECTION 105 EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) FOLLOWING ITS DATE OF ENACTMENT:

**APPROVED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BEAR CREEK ON THIS _____ DAY OF _____, 2008.**

BEAR CREEK TOWNSHIP BOARD OF SUPERVISORS

Gary Zingaretti, Chairman

Ruth Koval, Vice Chair

Bonnie Wasilewski

Joseph Masi

E. Gary Slusser

ATTEST:

TOWNSHIP SECRETARY