

## ARTICLE 1. TITLE, PURPOSE, AND LEGAL CLAUSES

### **SECTION 101. TITLE**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Clay Township.”

### **SECTION 102. PURPOSE**

The intent and purposes set forth in Section 105 and 604 of the Pennsylvania Municipalities Planning Code, as now amended or as subsequently amended, are hereby adopted as the intent and purpose of this Ordinance.

### **SECTION 103. HISTORY**

From 1970 through 1972, the Township evaluated and promulgated a Zoning Ordinance which was adopted on October 4, 1972. Since that time, the Community Development Objectives as set forth in the original Comprehensive Plan of Clay Township, have been updated to reflect issues and trends of the 70’s and early 80’s. An amendment to the Comprehensive Plan of Clay Township was recently adopted by the Clay Township Planning Commission to reflect changes in the community development objectives of the Township, which said amendment points out a need to amend the Zoning Ordinance. Recently the Township passed its first Subdivision and Land Development Ordinance. Various state and federal laws have been passed imposing new obligations on the Township and allowing new rights to the Township regarding sewage, flood plain management, agricultural preservation, etc. The recently adopted Clay Township Act 537 Plan and the Soil Survey that was related to the same, reaffirms through technical information that was not available in the early 70’s, a Township that possesses some of the finest farm land in the country, while at the same time possessing some of the poorest land for installation of subsurface sewage systems. Clay Township is unique in Lancaster County in that it has substantial good agricultural lands, a delicate rural environment, poor on lot sewage disposal lands, substantial lands dedicated to public use, and an isolated widespread residential development. In light of these new issues and the new information, the Township Planning Commission and the Board of Supervisors have adopted this ordinance to bring the Township into the 1990s.

## **THE CLAY TOWNSHIP ZONING ORDINANCE WAS CODIFIED NOVEMBER 11, 2002**

### **SECTION 104. COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance was developed in accordance with the community development objectives as set forth in the amended Comprehensive Plan of Clay Township. Consideration has been given to the character of the municipality and its various parts, together with the suitability of these various parts for particular uses and structures.

## **SECTION 105. INTERPRETATION**

When interpreting this ordinance, all provisions shall be held to be the minimum requirements for the promotion of health, safety, morals, and general welfare. Any permitted use within a zoning district shall conform to all pertinent regulations of this Ordinance. Any nonconforming use shall comply as set forth herein. This Ordinance is not intended to interfere with, abrogate, annul, supersede or cancel any easements, covenants, restrictions or reservations contained in the deeds or other agreements, but if this ordinance imposes more stringent restrictions upon the use of structures and land than area contained in the deeds or agreements, the provisions of this Ordinance shall control.

## **SECTION 106. APPLICATION**

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs, land, and their accessories. However, this ordinance shall not require any change in plans or construction, previously finally approved by the Township, if construction is completed timely in strict compliance with the approval and any former applicable zoning provisions or Other Provisions.

## **SECTION 107. REPEALER**

All Ordinances or parts of Ordinances in conflict with this ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect. However, Ordinance No. 2-80, adopted November 10, 1980 and Ordinance No. 11, adopted August 7, 1970, as both may heretofore or hereafter be amended are specifically preserved and shall to the extent inconsistent with this Ordinance, supersede this Ordinance.

## **SECTION 108. VALIDITY AND SEVERANCE**

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of this Zoning Ordinance as a whole, or any other article, section, sub-section, provisions, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Zoning ordinance. The Township Supervisors hereby declare that they would have adopted this Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, section, sub-section, provisions, regulations, limitation, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

**SECTION 109. EFFECTIVE DATE**

This Zoning Ordinance shall become effective five (5) days after its adoption by the Township Supervisors of Clay Township, County of Lancaster, Commonwealth of Pennsylvania. However, it's provisions shall apply, for the purposes of the "the pending ordinance doctrines" to any applications filed after April 12, 1982.