

PEQUEA TOWNSHIP
Lancaster County, Pennsylvania

**SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE**

AN ORDINANCE SETTING FORTH RULES, REGULATIONS, AND STANDARDS REGULATING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE TOWNSHIP OF PEQUEA, LANCASTER COUNTY, PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED AND REENACTED BY ACT 170 OF 1988, AND ESTABLISHING THE PROCEDURE TO BE FOLLOWED BY THE PEQUEA TOWNSHIP PLANNING COMMISSION AND THE PEQUEA TOWNSHIP BOARD OF SUPERVISORS IN THE APPLICATION AND ADMINISTRATION OF SAID RULES, REGULATIONS AND STANDARDS, AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, as follows:

ARTICLE I

TITLE/AUTHORITY

Section 101 Short Title

This Ordinance shall be known as "The Pequea Township Subdivision and Land Development Ordinance of 2016."

Section 102 Purpose

This Subdivision and Land Development Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, and welfare.
- B. To promote orderly, efficient, integrated, and harmonious development in the Township.
- C. To ensure conformance of subdivision and land development plans with the Pequea Township Comprehensive Plan, the Pequea Township Zoning Ordinance, the Pequea Township Storm Water Management Ordinance and public improvements plans and to ensure coordination of intergovernmental improvement plans and programs.

- D. To accommodate the Township's "fair share" of growth within Lancaster County by encouraging such growth to occur within the Urban Growth Area and to encourage efficient and dense development within the Urban Growth Area.
- E. To protect sensitive and important natural features (e.g. floodplains, wetlands, prime farmlands, unique geologic features, steep slopes, woodlands, game lands, wildlife habitats, etc.) from indiscriminate development.
- F. To coordinate proposed streets and other improvements with existing or proposed streets, parks, or other features of the comprehensive plan and to provide for drainage, water supply, sewage disposal, and other appropriate utility services.
- G. To require sites for building purposes and human habitation to be suitably improved for their intended use and to minimize the peril from fire, flood, erosion, excessive noise, smoke, or other menace.
- H. To encourage preservation of adequate open spaces for recreation, light, air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, agricultural, industrial, and public areas.
- I. To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.
- J. To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable.
- K. To maintain the economic well-being of the Township and to prevent unnecessary or undesirable blight, runoff and pollution.
- L. To secure the protection of water resources and drainageways.
- M. To establish provisions governing the standards by which streets shall be designed and improved, and by which walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities, and other improvements shall be installed as a condition precedent to final approval of plans.

Section 103 Authority and Jurisdiction

- A. The Board of Supervisors of Pequea Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53P.S. 10101 et seq., and pursuant to the Storm Water Management Act, Act 167 of October 4, 1978, 32 P.S. P.L. 864, Section 680.1, et. seq., as amended, and Act 166, The Floodplain Management Act, as amended, hereby enacts and ordains the following Ordinance governing subdivisions, land developments, and regulated activities as defined herein, within the limits of Pequea Township.
- B. No land development or subdivision of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

- C. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:
1. The Pequea Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
 2. Plans for subdivision and land development shall be submitted to the Pequea Township Planning Commission for their review. The Planning Commission will provide the Board of Supervisors with a recommendation for plan approval, disapproval, or conditional approval. Said submission shall take place before approval of any plans by the Township Supervisors. If a report is not received from the Pequea Township Planning Commission within thirty (45) days after submission, the Board of Supervisors may proceed without the report.
 3. Plans for subdivision and land development located within Pequea Township shall be submitted to the Lancaster County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the Lancaster County Planning Commission within forty-five (45) days after submission, the Board of Supervisors may proceed without the report.

Section 104 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation, or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

Section 105 Notice to School District

Each month the Township shall notify in writing the Superintendent of the Penn Manor School District if a plan for a residential development was finally approved by Pequea Township during the preceding month. The notice shall include, but not limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.