

ARTICLE I

ADOPTION, TITLE, PURPOSE, JURISDICTION

SECTION 101 **Adoption.** The Board of Supervisors of Fulton Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and reenacted by Act 170 of 1988, and as subsequently amended, 53 PS. 10101 et seq., hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Fulton Township, Lancaster County, Pennsylvania.

SECTION 102 **Short Title.** This Ordinance shall be known and may be cited as the "Fulton Township Subdivision and Land Development Ordinance of 1997".

SECTION 103 **Purpose.** This 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 require sites suitable for building purposes and human habitation in keeping with the standards of quality existing in the Township and to alleviate peril from fire, flood, erosion, excessive noise, smoke or other menace.
- D. To coordinate proposed streets and other improvements with existing or proposed streets, parks or other features of any applicable municipal comprehensive plan and to provide for storm water management facilities, water supply, sewage disposal and other appropriate utility services.
- E. To encourage preservation of adequate open spaces for recreation, light and air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, industrial and public areas.
- F. To ensure conformance of subdivision and land development plans with any applicable municipal comprehensive plan, with the Township Zoning Ordinance, and with public improvement plans, and to ensure coordination of intergovernmental improvement plans and programs.

- G. To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.
- H. 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, to maintain the economic well-being of the Township and to prevent unnecessary or undesirable blight, runoff and pollution.
- I. To secure the protection of water resources and watercourses.
- J. To establish provisions governing the standards by which streets shall be designed and improved, and walkways, curbs, street lights, fire hydrants, water and sewage facilities and other improvements shall be installed as a condition precedent to final approval of plans.

SECTION 104

Compliance Required. Subject to the provisions of Section 106 of this Ordinance, no subdivision or land development of any lot shall be made, and no street, sanitary sewer, storm water management facility, water main, or other improvement or facilities in connection therewith shall be laid out, constructed, installed, opened or dedicated for public use or travel, or for the common use of the occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

SECTION 105

Jurisdiction

105.01

Review by the Township Planning Commission. In order that the actions of the Board of Supervisors under this Ordinance may be correlated with all relevant dates and procedures, the Board of Supervisors hereby designates the Township Planning Commission as the agency of the Township:

- A. To which all applications relating to pre-application review and site analysis studies of subdivision and land development plans shall be reviewed for comment;
- B. To which all applications relating to either preliminary or final approval of subdivision and land development plans shall be submitted;
- C. Which shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans; and

- D. Which shall make recommendations to the Board of Supervisors concerning the interpretation of and the granting of modifications to provisions and standards of this Ordinance.

105.02 **Review by the County Planning Commission.** Plans for subdivisions and land developments located within Fulton Township shall be submitted to the County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Board of Supervisors. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.

105.03 **Approval by Board of Supervisors.** The Board of Supervisors shall have jurisdiction to finally approve or disapprove subdivision and land development applications. Action by the Board of Supervisors shall be taken in accordance with the requirements of the Municipalities Planning Code.

SECTION 106 **Effect of Changes to Township Ordinances.** Changes in this Ordinance, the Township Zoning Ordinance and any other governing ordinance or plan shall affect plans as follows:

A. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance, the Township Zoning Ordinance, or any other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary plan application has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

B. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Ordinance, the Township Zoning Ordinance, or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete

any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

- C. Where final plan approval is preceded by preliminary plan approval, the aforesaid five (5) year period shall be counted from the date of the preliminary plan approval. In the case of any doubt as to the terms of a preliminary plan approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of any governing ordinance or plan enacted subsequent to the date of filing of the preliminary plan application shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- E. In the case of a preliminary plan calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plan application delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plan applications for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five (5) years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period, the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plan approval for each section.
- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plan applications for the various sections shall

subject any such section to any and all changes in this Ordinance, the Township Zoning Ordinance and all other governing ordinances enacted by the Board of Supervisors subsequent to the date of the initial preliminary plan application.