

ARTICLE II. ADMINISTRATION

SECTION 201. GENERAL REQUIREMENTS

1. No person proposing a SUBDIVISION or LAND DEVELOPMENT shall proceed with any grading or IMPROVEMENTS until the FINAL PLAN application is APPROVED by the Board of COMMISSIONERS.
2. No person proposing a SUBDIVISION shall sell, transfer, lease or otherwise convey a LOT, parcel or tract in a SUBDIVISION, or construct or commence the CONSTRUCTION of any BUILDING in a SUBDIVISION, until the FINAL PLAN application of the proposed SUBDIVISION is APPROVED by the Board of COMMISSIONERS and recorded in accordance with the provisions of this ORDINANCE.
3. All REPORTS shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any REPORT used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the APPLICANT and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.
4. Every APPLICANT shall have the burden to comply with this ORDINANCE for every APPLICATION FOR DEVELOPMENT. The TOWNSHIP shall provide every APPLICANT with any initial REPORT concerning compliance with the ORDINANCE. Failure of any APPLICANT to comply with discrepancies after the issuance of the initial REPORT shall be reason for denial of the APPLICATION FOR DEVELOPMENT.
5. The official filing date for all applications for DEVELOPMENT shall be the date of the regular PLANNING COMMISSION meeting next following the date the complete APPLICATION FOR DEVELOPMENT including payment of the applicable filing fee is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the APPLICATION FOR DEVELOPMENT, the official filing date shall be the thirtieth (30th) day following the day the complete APPLICATION FOR DEVELOPMENT is filed.

SECTION 202. COMPLIANCE REQUIRED

1. No SUBDIVISION, LAND DEVELOPMENT or DEVELOPMENT of any LOT, tract or parcel of land shall be made, no STREET, sanitary sewer, STORM SEWER, water main or other IMPROVEMENTS in connection therewith shall be laid out, constructed, opened or dedicated for the public use or travel, or for the common use of occupants of BUILDINGS abutting thereon, except in accordance with the provisions of this ORDINANCE.

SECTION 203. MODIFICATIONS

1. The provisions of this ORDINANCE are the minimum standards for the protection of the public welfare.
2. If any mandatory provision of this ORDINANCE is shown by the APPLICANT, to the satisfaction of the Board of COMMISSIONERS at a scheduled public meeting, to be unreasonable and to cause unique and undue hardship as it applies to his proposed SUBDIVISION or LAND DEVELOPMENT, the Board of COMMISSIONERS, upon obtaining the comments and recommendations of the PLANNING COMMISSION, may grant a MODIFICATION or waiver in writing to such APPLICANT of such mandatory provision, so that substantial justice may be done and the public interest secured; provided that such MODIFICATION will not have the effect of nullifying the intent and purpose of this ORDINANCE.
3. All requests for a MODIFICATION or waiver shall be in writing and shall accompany and be a part of the APPLICATION FOR DEVELOPMENT. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ORDINANCE involved and the minimum MODIFICATION necessary.
4. The Board of COMMISSIONERS shall keep a written record of all action on all MODIFICATION or waiver requests.
5. In granting MODIFICATIONS, the Board of COMMISSIONERS may impose conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

SECTION 204. INTERPRETATION

1. In the interpretation and application of this ORDINANCE, the provisions shall be held to be minimum requirements, adopted for the promotion of health, safety, and general welfare.
2. Whenever there is a difference between the minimum applicable standards specified herein and those included in other applicable TOWNSHIP ordinances, rule regulations, the most restrictive provision or that provision imposing the higher standard, shall govern.

3. Whenever there is a difference between the minimum applicable standards specified herein and the requirements of deed restrictions, covenants or other agreements running with the land to which the TOWNSHIP is a party or requirements of notes or conditions upon approval of a prior SUBDIVISION or LAND DEVELOPMENT of the tract which is subject of the present application, the most restrictive requirement, or that requirement imposing the higher standard shall govern.
4. The provisions of this ORDINANCE shall not adversely affect an application for approval of a preliminary or FINAL PLAN which is duly filed with the TOWNSHIP and is pending action at the time of the effective date of this ORDINANCE, in which case the APPLICANT shall be entitled to a decision in accordance with the provisions of the governing ORDINANCES or plans as they at the time the application was duly filed. When a preliminary application has been duly APPROVED, the APPLICANT shall be entitled to final approval in accordance with the terms of the APPROVED preliminary application; however, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this ORDINANCE.
5. When a plan has received preliminary or FINAL PLAN approval prior to the effective date of this ORDINANCE, no provision of this ORDINANCE shall be applied to adversely affect the right of the APPLICANT to commence and to complete any aspect of the APPROVED DEVELOPMENT, including application for final approval, in accordance with the terms of such approval within five (5) years from the date of such preliminary or FINAL PLAN approval. In case of any doubt as to the terms of a preliminary or FINAL PLAN approval, the terms shall be construed in the light of the provisions of the governing ORDINANCE or plans as they stood at the time when the application for such approval was duly filed. The Board of COMMISSIONERS may grant an extension to the five (5) year period if it determines that the plan as APPROVED prior to this ORDINANCE will not have an adverse affect on the adjoining properties and that a hardship would be created if redesign is required.
6. The review or approval of a SUBDIVISION or LAND DEVELOPMENT by the TOWNSHIP in accordance with the provisions of this ORDINANCE shall not constitute liability upon the TOWNSHIP, its officials, or employees.

SECTION 205. AMENDMENTS

1. The Board of COMMISSIONERS may, from time to time, amend this ORDINANCE by appropriate action taken at scheduled public meeting, but before voting on the enactment of such amendment, the Board of COMMISSIONERS shall hold a PUBLIC HEARING thereon pursuant to PUBLIC NOTICE. At least thirty (30) days prior to the hearing on the amendment, the TOWNSHIP shall submit the proposed amendment to the

COUNTY PLANNING COMMISSION for recommendation.

2. The PUBLIC NOTICE shall state the time and place of the hearing and shall include a brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the TOWNSHIP where copies of the proposed amendment may be secured or examined. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the TOWNSHIP. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. If the full text is not included, a copy thereof shall be filed in the County Law Library (or other County office designated by the County COMMISSIONERS)
3. In the case of a proposed amendment other than that prepared by the PLANNING COMMISSION, the Board of COMMISSIONERS shall submit each such amendment to the PLANNING COMMISSION for recommendations at least thirty (30) days prior to the date fixed for the PUBLIC HEARING on such proposed amendment.
4. Upon approval and enactment of an amendment to this ORDINANCE, a certified copy of such amendment shall be filed with the Lancaster COUNTY PLANNING COMMISSION within thirty (30) days of adoption.