

ARTICLE I

GENERAL PROVISIONS

100 LONG TITLE

An Ordinance establishing rules, regulations, and standards for regulating Subdivision and Land Development activity within the County of Union, Commonwealth of Pennsylvania; setting forth the powers, duties and procedures to be followed by the Union County Planning Commission in administering this Ordinance; and setting forth the penalties for violation thereof.

101 SHORT TITLE

This Ordinance shall be known as and may be referenced and cited as the Union County Subdivision and Land Development Ordinance.

102 AUTHORITY

The Board of Commissioners of Union County hereby enacts and ordains this Ordinance governing subdivisions and land developments within the limits of Union County pursuant to the authority granted by the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, (53 P.S. 10101 et seq.) and as from time to time reenacted and amended.

103 AUTHORITY OF UNION COUNTY PLANNING COMMISSION

The Union County Planning Commission shall have the authority to receive, review, approve, approve with conditions, or disapprove all Subdivision and Land Development plans within the County pursuant to this Ordinance and to otherwise administer the provisions herein. The responsibilities of the Planning Commission may be delegated to staff, with the right of appeal of any staff action to the Commission.

104 PURPOSE

The purpose of this ordinance is to promote the health, safety and general welfare of the citizens of Union County through the establishment of uniform standards and procedures for the regulation of subdivision and land development activity within Union County, Pennsylvania. It is intended that the coordination of development throughout Union County will be of mutual long-term benefit to developers, purchasers of property, to the County, local officials, and the general public. The Union County Board of Commissioners hereby cite the following as the specific purposes for which this Ordinance was ordained and enacted:

- A.** To promote new development that is well designed, of high quality, and suited to the natural conditions of the site.
- B.** To provide for orderly, safe, efficient and harmonious development throughout the county.
- C.** To promote “smart growth” whereby new development is coordinated in and amongst communities and is compactly and efficiently planned in order to avoid the needless public costs of scattered development.
- D.** To provide for the equitable processing of all subdivision and land development plans.
- E.** To assure the provision of public improvements which are necessary and the coordination of subdivision and land development proposals with existing streets, public improvements, and municipal public improvement plans, policies, and programs.

- F. To assure that streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as are deemed necessary to accommodate prospective traffic and facilitate fire protection.
- G. To assure that sites are suitable for development, building, and human habitation, and to prevent development that may be hazardous, may aggravate an existing hazard, or may endanger life or property.
- H. To assure that the adverse impacts of development on unique and valued natural, scenic, historic, and cultural features and resources are minimized to the greatest practicable extent.
- I. To assure that adequate easements and rights-of-way are provided for access, drainage facilities, public utilities, and other appropriate general public purposes.
- J. To assure that any land area reserved for public use is suitable in size and location for the intended and designated use.
- K. To facilitate the safe and efficient movement of people and goods through the County.
- L. To protect soil and water resources (including groundwater resources) and natural drainage ways.
- M. To ensure that land which is subject to flooding, subsidence or underground fires shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing problem.
- N. To promote the consideration of and compliance with other Federal, State, County, and/or Local acts, codes, laws, ordinances, plans, policies, rules, regulations, and statutes, including the comprehensive plans of Union County and its constituent municipalities.
- O. To ensure that provisions are made for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, and for encouraging practices which are in accordance with modern and evolving principles of site planning and development.
- P. To provide uniform standards and procedures for the preparation and recording of plans with the Recorder of Deeds of and for Union County so that the land records of the county are accurate and complete.

105 JURISDICTION

- A. **General.** This Ordinance shall apply to all boroughs and townships in the County of Union and all applications for subdivision and/or land development located within a municipality within the County shall be submitted to the Union County Planning Commission for review and recommendation for approval or disapproval.
- B. **Municipalities without a Subdivision and Land Development Ordinance.** All plans and plats of proposed subdivisions and land developments located in municipalities within the County not having a subdivision and land development ordinance in effect and not having a certified copy of such ordinance filed with the County, shall be submitted for approval to the Union County Planning Commission. The enactment of a subdivision and land development ordinance by any municipality whose land is subject to the provisions of this Ordinance shall act as a repeal protanto of this Ordinance in said municipality. Prior to enactment of such regulations however, a copy of said ordinance shall be forwarded to the Union County Planning Commission for review in accordance with the requirements of the Pennsylvania Municipalities Planning Code,

Act 247 of 1968, P.L. 805, No. 247, (53 P.S. 10101 et seq.), as from time to time reenacted and amended. Within 30 days after adoption, a certified copy of such ordinance shall be filed with the office of the Union County Planning Commission.

- C. Municipalities with an Adopted Subdivision and Land Development Ordinance.** All plans and plats of proposed subdivisions and land developments located within a municipality having a subdivision and land development ordinance in effect, shall be forwarded, upon receipt by the municipality, to the Union County Planning Commission for review and report in accordance with Article III, Section 302 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, (53 P.S. 10101 et seq.) as from time to time reenacted and amended. Such municipalities shall not approve such applications until the report is received from the Union County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County. The provisions of this section shall also apply to municipalities that opt to adopt this Ordinance by reference but do not designate the Union County Planning Commission as their agent for review and approval.
- D. Municipal Adoption by Reference.** These regulations shall also govern the review and approval of subdivisions and land developments in municipalities that adopt this ordinance by reference and by ordinance designate the Union County Planning Commission to administer the ordinance on their behalf. Such designation shall not become effective without the concurrence of the Union County Planning Commission.

106 APPLICATION

The provisions of this Ordinance shall be considered to be the minimum standards necessary to meet the purposes contained herein and the general purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 (53 P.S. 10101, et seq.) as from time to time reenacted and amended.

107 EFFECT OF ADOPTION

- A. General.** Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247 (53 P.S. 10101, et seq.) as from time to time reenacted and amended, no subdivision or land 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 public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- B. Pending or Approved Applications.** The provisions of this Ordinance shall not affect any application for subdivision or land development that is pending approval prior to the effective date of this Ordinance. Such applications shall comply with regulations in effect at the time the application was filed. In addition no provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.
- C. Recording Required.** All subdivision and land development plans approved by the Union County Planning Commission in accordance with this Ordinance shall be recorded in the office of the Recorder of Deeds of and for Union County, Pennsylvania within 90-days of the date of approval affixed to the plan. Failure to record the plan within the 90-day period shall render the plan null and void, as if it were never approved.
- D. County Approval/Review Notation.** The Recorder of Deeds of and for Union County, Pennsylvania shall not accept any subdivision or land development plan for recording unless the plan officially notes the approval of the Union County Planning Commission or review by the

Union County Planning Commission for those plans where the Commission is responsible for review but not for approval of plans.

108 COMPATIBILITY WITH OTHER ORDINANCES

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable act, code, law, ordinance, plan, policy, rule, regulation, or statute.

109 CONFLICT WITH OTHER ORDINANCES

Where a municipality under jurisdiction of this Ordinance has enacted a local zoning ordinance, building code, road ordinance, or other ordinance, code, resolution, or regulation other than a subdivision and land development ordinance which imposes more restrictive standards and requirements than contained herein, such other standards and requirements shall take precedent and prevail where there is conflict with the provisions of this Ordinance.

110 CONFLICT WITH PRIVATE PROVISIONS

If the requirements of this Ordinance conflict with those contained in deed restrictions, covenants, easements, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.

111 REPEALER

The Union County Land Subdivision and Development Ordinance enacted June 10, 1969 as amended by Ordinance enacted October 23, 1978, Ordinance No. 1982-7, enacted March 11, 1982 and the Union County Subdivision and Land Development Ordinance enacted October 1, 1990 as amended by Ordinance No. 2001-4 and all other ordinances or sections thereof and resolutions, which are inconsistent with any of the provisions herein, are hereby repealed. Repeal of said Ordinances or resolutions shall not be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed hereby; nor shall any right or remedy be lost, impaired, or affected by this Ordinance.

112 SEVERABILITY

Should a court of competent jurisdiction declare any section, subsection, or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part of the remaining provisions of the Ordinance. The Union County Board of Commissioners hereby declare that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.

113 LIABILITY DISCLAIMER

The granting of approval of a subdivision or land development plan or any improvement installed as a condition thereof, shall not constitute a representation, guarantee, or warranty of any kind by the County of Union, or by any official, employee, or appointee thereof, of the practicality or safety of the proposed use or improvement, and shall create no liability upon or cause of action against the County of Union, its officials, employees, or appointees for any damage that may result pursuant thereto. The applicant is responsible for ensuring that any subdivision or land development will not cause injury or damage to other persons or property.

114 REFERENCES

Specific methods and publications referenced in this Ordinance shall, in all cases, refer to the latest available edition and shall include revisions, amendments, and/or replacements thereto.

115 AMENDMENTS

The Union County Board of Commissioners may, from time to time, revise, modify, and amend this Ordinance pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, (53 P.S. 10101 et. seq), as from time to time reenacted and amended or other applicable law in effect at the time of said amendment. Provided, however, in the event that the amendments of the Pennsylvania Municipalities Planning Code require changes in the provisions of this Ordinance (i.e. definitions, approval requirements, guarantee for completion of improvements, etc.) said amendments shall automatically become a part of this Ordinance and the Union County Planning Commission shall be authorized to attach to this Ordinance and to copies hereof written addendum setting forth such Pennsylvania Municipalities Planning Code amendments and the sections of this Ordinance affected thereby.

116 EFFECTIVE DATE

This Ordinance shall become effective immediately after being duly enacted and ordained by the Union County Board of Commissioners.