

PEQUEA TOWNSHIP

LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PEQUEA TOWNSHIP ZONING ORDINANCE ARTICLE 15 "SPECIFIC REGULATIONS, SPECIAL EXCEPTIONS, AND CONDITIONAL USES", §1502 "SPECIFIC REGULATIONS" TO ELIMINATE THE PUBLIC WATER CONNECTION AND USE REQUIREMENT FOR CERTAIN SPECIFIED USES; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Board of Supervisors of the Township of Pequea has the authority pursuant to section 1506 of The Second Class Township Code, 53 P.S. § 66506, section 601 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10601, and section 1807 of the Pequea Township Zoning Ordinance of 2015, as amended ("Zoning Ordinance") to enact and amend land use ordinances as the Township shall deem beneficial to the Township and for the maintenance of the health and welfare of the Township and its citizens; and

Whereas, section 603(d) of the MPC, 53 P.S. § 10603(d), provides that zoning ordinances may include provisions regulating siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources; and

Whereas, the Township has determined that certain amendments to the specific use regulations for permitted uses and uses permitted by special exception and conditional use relating to public water connection and use requirements are warranted to protect the public, health, safety and welfare and to allow for the orderly development of land ("Proposed Amendment");

Whereas, a public hearing was held, following notice, for the purpose of considering this Proposed Amendment to the Zoning Ordinance; and

Whereas, the Board of Supervisors of Pequea Township, after the public hearing held pursuant to public notice, and after receipt of recommendations from the Pequea Township Planning Commission and the Lancaster County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended by the Proposed Amendment.

NOW, THEREFORE, the Township Board of Supervisors does hereby enact and ordain as follows:

Section 1: Zoning Ordinance, Article 15 "Specific Regulations, Special Exceptions, and Conditional Uses", Section 1502 "Specific Regulations", is amended as follows:

Currently the Zoning Ordinance with respect to Article 15, Section 9 and 9(A) reads as follows:

9. Retail Stores, Shopping Centers, and Business Offices containing fewer than 10,000 square feet of gross floor area.
 - A. The proposed structure shall be connected to and use public water and public sewer.

Article 15, Section 9 and 9(A) shall be amended as follows:

9. Retail Stores, Shopping Centers, and Business Offices containing fewer than 15,000 square feet of gross floor area.
 - A. The proposed structure shall be connected to and use public sewer. The proposed structure shall be connected to a public water supply if a public water main is located within 150 feet of any street frontage of the property. Water service supplied by private on-site wells shall comply with PA DEP regulations and the requirements of the Pequea Township Subdivision and Land Development Ordinance.

Currently the Zoning Ordinance with respect to Article 15, Section 37 reads as follows:

Retail Stores, Shopping Centers, Supermarkets, and Business Offices, whether initially or cumulatively, in excess of 10,000 square feet of gross floor area but less than 100,000 square feet.

Article 15, Section 37 shall be amended as follows:

Retail Stores, Shopping Centers, Supermarkets, and Business Offices, whether initially or cumulatively, in excess of 15,000 square feet of gross floor area but less than 100,000 square feet.

- J. The proposed structure(s) shall be connected to and use public water and public sewer.

Section 2: All other sections, parts, and provisions of Article 15 “Specific Regulations, Special Exceptions, and Conditional Uses” shall remain in full force and effect as previously enacted.

Section 3: Savings Clause. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared the intent of the Board of Supervisors of Pequea Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 4: Repealer. Any specific provisions of the Pequea Township Zoning Ordinance, Subdivision and Land Development Ordinance or any other Township ordinance or resolution that is in direct conflict within this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Effective Date. This Ordinance shall become effective five (5) calendar days after the date of enactment.

ORDAINED AND ENACTED by Board of Supervisors of Pequea Township this _____
day of _____, 2024.

(Township Seal)

**BOARD OF SUPERVISORS OF PEQUEA
TOWNSHIP**

By: _____
Harry D. Lehman, III, Chairman

Attest:

, Secretary

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