

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 OF 2001

AN ORDINANCE OF THE TOWNSHIP OF SOUTH MIDDLETON REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND INCLUDING MOBILE HOME PARKS WITHIN THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER AND DEVELOPER; REGULATING SALES OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of this Township that Ordinance No. 12 of 1999 (The South Middleton Township Subdivision and Land Development Ordinance of 1999) originally enacted on December 14, 1999, as amended, is further amended by adding and supplementing thereto the following revised Ordinance, all pursuant to the Pennsylvania Municipalities Planning Code of 1968, as amended, (Act 247 of 1968, P.L. 805, as amended by Act 170 of 1988 and Acts 57 and 58 of 2000):

ARTICLE I

TITLE, PURPOSE, AUTHORITY AND JURISDICTION

101. Title

These regulations shall be known and may be cited as "The South Middleton Township Subdivision and Land Development Ordinance."

102. Purpose

This Ordinance has been adopted by the South Middleton Township Board of Supervisors to protect the health, safety and general welfare of the citizens of the Township; to provide for the harmonious development of the Township by insuring equitable handling of all subdivisions or land

development plans by providing uniform standards and procedures; to provide for the general welfare by providing and protecting cultural facilities; by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreation, proper traffic flows, light and air, and the proper distribution of population to insure conditions favorable to the health, safety and general welfare of the citizens of the Township.

103. Authority

The Board of Supervisors hereby designates the South Middleton Township Planning Department and Planning Commission as the agencies that shall review and make recommendations on all Preliminary and Final Plans as required herein. The Board of Supervisors shall have authority to approve all Preliminary and Final Plans as required herein for the Township of South Middleton.

104. County Review

Applications for review of subdivision and land development within South Middleton Township must be forwarded to the County Planning Commission along with the required fee for review and report. The municipality shall not approve such applications until the county report is received, or until the expiration of thirty (30) days from date the application was forwarded to the County.

105. Application of Regulations

- a. No subdivision or land development of any lot, tract, or parcel of land located in South Middleton Township shall be effected; 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 unless and until a final subdivision or land development plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise - except in strict accordance with the provisions of this Ordinance. All improvements, whether they may be considered public or private, shall comply with the terms of this Ordinance.
- b. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be

issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision or land development plan has been approved by the Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

106. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restrictions upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

107. Effective Date

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedure established by law.

108. Zoning Applicability

Nothing contained in this Ordinance shall relieve the owner or developer from complying with the applicable provisions of the South Middleton Township Zoning Ordinance. It is the expressed intent that the South Middleton Township Subdivision and Land Development Ordinance and Zoning Ordinance be reenforceable and together foster the stated planning goals and objectives of the Township. Subdivision and land development plans, in addition to meeting the standards of this Ordinance

shall conform to all respects to the lot size and land use requirements of the Zoning Ordinance. Where any inconsistencies between the South Middleton Township Subdivision and Land Development Ordinance and Zoning Ordinance may exist, the provisions of the South Middleton Township Zoning Ordinance shall be deemed to control.

109. Repealer

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith, any amendment thereof, are hereby expressly repealed.