PART 2

PURPOSE, AUTHORITY, APPLICATION, AND INTERPRETATION

Section 201. PURPOSE

This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within Miller Township, Perry County, Pennsylvania. The purpose of such regulations is to provide for:

1. Harmonious development of the Township.

2. The orderly and efficient integration of subdivisions within Miller Township.

3. Conformance of subdivision and land development plans with public improvements plans.

4. The protection of water resources and drainageways.

5. Sites suitable for building purposes and human habitation.

6. Proposed streets and other proposed public improvements.

7. Adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements.

8. Coordination of intra, and inter-municipal public improvement plans and programs.

9. The efficient and orderly extension of community facilities and services at minimum cost and maximum convenience.

10. The subdivision and land development of land within any flood hazard area or floodplain district in order to promote the health, safety and welfare of the citizens of the Township.

11. Each lot in flood prone areas includes a safe building site with adequate access, and that public facilities which serve such uses be designed and installed to minimize flood damage.

12. Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses.

13. The future growth and development of Miller Township in accordance with the adopted comprehensive plan.

14. Documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created.

15. The greater health, safety, convenience, and welfare to the citizens of Miller Township.

16. The efficient movement of traffic.

17. The equitable handling of all subdivision and land development plans by providing uniform standards and procedures.

18. Ensuring coordination of inter-municipal public improvement plans.

Section 202. AUTHORITY

1. AUTHORITY AND JURISDICTION OF THE BOARD OF SUPERVISORS

   a. The Miller Township Subdivision and Land Development Ordinance has been enacted by the Miller Township Board of Supervisors in accordance with the provisions of the "Pennsylvania Municipalities Planning Code" Act 247 of 1968, as reenacted and amended.

   b. Preliminary and final subdivision and land development plat applications within Miller Township shall also be forwarded to the Perry County Planning Commission with the appropriate application, and review fee. The Miller Township Board of Supervisors shall not approve such applications until the municipal review report is received, or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission, whichever shall first occur. As evidence of the Board's approval, the Board's Chairman and Secretary will sign preliminary and final plats, which have been formally approved by the Board before such plats are presented for recording.

   c. The Chairman and Secretary of the Miller Township Board of Supervisors will sign the final plats prepared for recording, indicating the plat was approved.

2. AUTHORITY AND JURISDICTION OF THE MILLER TOWNSHIP PLANNING COMMISSION

   a. The Board of Supervisors hereby designates the Miller Township Planning Commission as the agency to which all subdivision and land development plans must be submitted for review and recommendations as required by this ordinance.

   b. The Miller Township Planning Commission shall have the authority to review all preliminary and final subdivision or land development plat applications as required herein.

c. The Miller Township Planning Commission Chairman and Secretary will sign the final plats prepared for recording, indicating the plat was reviewed.

Section 203. APPLICATION OF REGULATIONS

1. No subdivision or land development of any lot, tract, or parcel of land located in Miller Township, Perry County, Pennsylvania under the jurisdiction of this Ordinance shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities 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 thereon unless and until a final subdivision or land development plat has been approved by the appropriate governing body and publicly recorded in the manner prescribed herein; nor otherwise in strict accordance with the provisions of this Ordinance.

2. 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 plat has been approved by the appropriate governing body and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.

3. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, payment of established fees and charges, location of each structure and clear definition of each unit, public easements, common areas, improvements, and all easements appurtenant to each unit.

4. All subdivision and land development plats are subject to all applicable zoning regulations, where the municipal zoning provisions will be given precedence if contradictory to provisions in this Ordinance.

Section 204. INTERPRETATION

When interpreting and applying the provisions of this Ordinance, said provisions shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience, and greater welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, restriction, or regulation (ex. state enabling statutes, local zoning, or building codes, etc.), the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, or regulation adopted by the Miller Township Board of Supervisors impose greater restrictions than those of this ordinance, the provisions of such statute, ordinance, or regulation shall prevail.