

## Article 1 Title and Short Title

### Section 1.01 Title

An Ordinance establishing regulations and restrictions in Rockland Township, Berks County, Pennsylvania, for said purposes of dividing the Township into districts, prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. This Ordinance specifically permits, prohibits, regulates, restricts and determines the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of the population and intensity of use; and the protection and preservation of natural and historic resources and prime agricultural land and activities.

### Section 1.02 Short Title

This Ordinance shall be known as and may be cited as the "Rockland Township Zoning Ordinance of 2010."

### Section 1.03 Purpose

This Ordinance is hereby adopted in accordance with the requirements of the PA Municipalities Planning Code, Act 247, as amended.

This Ordinance was prepared to be consistent with the community development objectives of the Comprehensive Plan, with careful consideration being given to the character of various areas within the Township and their suitability for particular uses, with a view toward conserving property values and encouraging the most appropriate use of land throughout the Township.

In addition to implementing the Comprehensive Plan, this Ordinance is designed to achieve the following:

- 1.03.1. Promote, protect, and facilitate the public health, safety, morals, and general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities.
- 1.03.2. Provide adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, and public grounds.

- 1.03.3. Prevent overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life, or property from fire, flood, panic, or other dangers.
- 1.03.4. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 1.03.5. To ensure the continuing viability of potable on-lot water supply (wells).

#### Section 1.04 Application

No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.

#### Section 1.05 Exemptions

This Ordinance shall not apply to any existing or proposed building or extension thereof that is used or is to be used by a public utility corporation if, upon petition of the corporation, the PA Public Utility Commission decides after a public hearing that the current or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

#### Section 1.06 Interpretation

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

Whenever any regulations made under the authority of this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those that are required in or under any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern.

Whenever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those that are required by any regulations made under the authority of this Ordinance, the provisions of such other statute shall govern.

Whenever any regulations pertaining to a specific use or activity under the authority of this Ordinance require a greater width or size of yards, court, or other open spaces, or require a lower height of buildings or a small number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those that are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.

This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.

Any list of permitted or prohibited uses is not an exhaustive list but is included to clarify, emphasize, and illustrate, by example, uses that are desirable or undesirable.

In the event that any time limitations as herein stated do not conform to Act 247 or any other statute, the time limitations in Act 247 or any other statute shall prevail.

#### Section 1.07 Severability

If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property, or situation immediately involved in the controversy; the application of any such provision to other persons, property, or situations shall not be affected.

#### Section 1.08 Repealer

All ordinances inconsistent herewith are hereby repealed. Specifically, the Rockland Township Zoning Ordinance of 1990, as amended, is repealed in its entirety.

#### Section 1.09 Effective Date

This Ordinance shall become effective upon enactment.