

ARTICLE I - GENERAL PROVISIONS

SECTION 1:10 AUTHORITY

An Ordinance providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots or replots of land laid out into building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on all streets and required dedications; the administration of this Ordinance by the Rockland Township Board of Supervisors under the advisory guidance of the Rockland Township Planning Commission; and penalties for the violation of this Ordinance.

This Ordinance has been prepared under the authority and is consistent with the terms and requirements of the Pennsylvania Municipalities Planning Code (53 P.S. §10101 et seq., Act 1988-170, as amended) and is in accordance with the police power authority granted to the Township under the Second Class Township Code. It is intended to further the objectives of Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania, and of the "Eastern Berks County Region Comprehensive Plan."

SECTION 1:20 TITLE

This Ordinance shall be known and may be cited as "The Rockland Township Subdivision and Land Development Ordinance."

SECTION 1:30 PURPOSE

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, convenience and general welfare of the citizens of Rockland Township by:

- 1:301 Ensuring that sites will be suitable for building purposes, human habitation, commercial operations, and other uses for which land may be used;
- 1:302 Providing for the orderly, efficient, integrated and harmonious development of land within the Township;
- 1:303 Effectively coordinating the planning, design and construction of proposed transportation and community facilities with existing facilities within the Township;
- 1:304 Ensuring the conformance of subdivision and land development plans with the construction improvement standards and details adopted by the Township;

- 1:305 Providing for the efficient and orderly extension of community facilities and services;
- 1:306 Ensuring that all subdivision and land development applications are consistent with the goals, objectives and policies of the Eastern Berks County Region Comprehensive Plan and the Rockland Township Zoning Ordinance;
- 1:307 Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population;
- 1:308 Assuring the equitable and just processing of subdivision and land development plans by providing uniform standards and procedures for observance by both the applicant and Township officials;
- 1:309 Preserving natural features, water quality and protecting sensitive environmental areas.

SECTION 1:40 APPLICABILITY

- 1:401 No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, gas, oil, or electric transmission line, 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 this Ordinance.
- 1:402 No lot in a subdivision may be sold, no permit to build, alter, or repair any building on land in a subdivision or land development may be issued, and no buildings may be erected in a subdivision or land development until a final subdivision or land development plan has been approved and recorded, in accordance with this or any applicable Ordinance or State Law and, where required, improvements have been completed or their completion has been assured by a performance guarantee consistent with the terms of Article V of the Municipalities Planning Code and with this Ordinance.
- 1:403 The regulations of this Ordinance shall apply to any subdivision or land development.
- 1:404 This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement.

1:405 No section of this Ordinance shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act of 1980. However, condominiums are subject to the terms and conditions of this Ordinance and all other applicable Township land use ordinances.

SECTION 1:50 EXEMPTIONS

1:501 Agriculture. The subdivision by lease of land for agricultural purposes not involving any new street or easement of access or residential dwelling shall be exempted from the regulations of this Ordinance.

1:502 Approved Subdivisions.

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Zoning Ordinance, this Ordinance or other governing ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance on plans as they stood at the time the application was duly filed.
- B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the Zoning Ordinance, this Ordinance or any other governing ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- C. If final plan approval is preceded by preliminary plan approval, the five (5) year period shall be counted from the preliminary plan approval date.

SECTION 1:60 INTERPRETATION

1:601 The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

1:602 Where the provisions of this Ordinance impose greater restrictions than those of any statute, other Ordinance, or regulation, the provisions of this Ordinance shall prevail, with the exception of areas where State and/or

Federal Law provide for preemption. Where the provisions of any statute, other Ordinance, or regulation impose greater restrictions than those of this Ordinance, the provision of such statute, Ordinance, or regulation shall prevail.