

ARTICLE 1

GENERAL PROVISIONS

Section 101: Preamble

An Ordinance establishing regulations, specifications and restrictions for the subdivision and development of land within the Upper Bern Township, Berks County, Pennsylvania, and for said purposes establishing application procedures, plan requirements, design standards, improvement specifications, and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Section 102: Short Title

This Ordinance shall be known as, and may be cited as the "Upper Bern Township Subdivision and Land Development Ordinance of 2008".

Section 103: Purpose

(A) The Upper Bern Township Subdivision and Land Development Ordinance of 2008 has been adopted in accordance with: the requirements of Pennsylvania Municipalities Planning Code; the goals, objectives and policies established within the Joint Comprehensive Plan for Northern Berks County, as dated February 2005; and consideration for the overall character of Upper Bern Township considering issues relative to growth, development, preservation and redevelopment. In addition, the Upper Bern Township Subdivision and Land Development Ordinance is designed to accomplish the following:

- (1) To create and maintain conditions that are favorable to the health, safety, and general welfare of the residents of Upper Bern Township
- (2) To identify, protect and preserve the physical and environmental amenities within Upper Bern Township.
- (3) To provide opportunities for growth and development by considering environmental limitations, existing land uses, infrastructure, and the suburban characteristics of Upper Bern Township.
- (4) To provide for a system of conservation areas through the preservation of floodplains, steep slopes, woodlands and farmlands, as well as providing areas for passive and active recreation.
- (5) To achieve and sustain a high quality natural resource system (water, biotic, land and air) to protect public health and safety, and support and protect a diversity of ecosystems.
- (6) To conserve and enhance scenic resources that reflects the natural, historical, agricultural, and cultural heritage within Upper Bern Township.
- (7) To provide for the orderly, efficient, integrated, and harmonious development of land within Upper Bern Township that will meet the needs of existing and future residents.
- (8) To provide for the efficient and orderly extension of community facilities and services, which meet the needs of the community while staying within the fiscal budget limitations of Upper Bern Township.
- (9) To provide parks, recreation facilities and open space areas, which meet the needs of the residents within the community and the region.

- (10) To improve, maintain and plan sanitary sewage disposal facilities and water supply facilities in an effort to meet the needs of the community, protect the environment and support development consistent with land use plans.
 - (11) To ensure that basic utility services and facilities, including sanitary sewage facilities, water supply facilities, communication systems and energy supplies are available to serve existing and prospective uses within Upper Bern Township.
 - (12) To plan, design, construct and maintain a safe, efficient and diversified transportation system, which optimizes mobility, strengthens the economy and protects the environment.
 - (13) To achieve a high level of intergovernmental planning by coordinating efforts with local and regional groups within the public and private sectors.
 - (14) To assure the equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance by both the applicant and municipal officials.
 - (15) To implement past planning efforts including: the Upper Bern Township Comprehensive Plan (1992); the Joint Comprehensive Plan for Northern Berks County; the Upper Bern Township Act 537 Plan; and the Berks County Comprehensive Plan (Vision 2020).
 - (16) To execute and comply with the Berks County Conservation Zoning Incentive Program.
 - (17) To execute and comply with the Intergovernmental Agreement for the implementation efforts associated with the Joint Comprehensive Plan for Northern Berks County (2005).
- (B) The purpose statements contained under Section 103 of the Upper Bern Township Subdivision and Land Development Ordinance of 2008 are intended to provide overall guidance and direction, as well as to establish the foundation for community growth, development, preservation and redevelopment efforts within Upper Bern Township. Should one or more purpose statements become unfeasible or cannot be implemented for any reason, the validity of this Upper Bern Township Subdivision and Land Development Ordinance shall not be invalid or unconstitutional.

Section 104: Community Development Objectives

The Upper Bern Township Subdivision and Land Development Ordinance of 2008 attempts to emulate through its regulations the goals, objectives and policies of the Joint Comprehensive Plan for Northern Berks County. These regulations have been established with considerations to the physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics of Upper Bern Township.

Section 105: Application and Interpretation

- (A) Except as hereinafter provided, all subdivision or development of land within Upper Bern Township shall be in conformity with the provisions established by Upper Bern Township.
- (B) The provisions of this Ordinance shall be held to be the minimum requirements to meet the stated purposes indicated under Sections 103 and 104 of this Ordinance.
- (C) Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Ordinance shall be complied with unless otherwise directed by the Board of Supervisors.
- (D) Where the provisions of any other municipal statute, ordinance, or regulations impose greater restrictions than those specified in this Ordinance, the provisions of such other municipal statute, ordinance, or regulation shall be complied with unless otherwise directed by the Board of Supervisors.

- (E) Where the provisions of this Ordinance conflict with the specific provisions of the Pennsylvania Municipalities Planning Code, the specific provisions of the Pennsylvania Municipalities Planning Code shall be complied with unless otherwise directed by the Upper Bern Township Board of Supervisors.
- (F) No subdivision or land development of any lot, tract or parcel of land shall be made except in accordance with the provisions of this Ordinance.
- (G) No site improvements shall be made to any lot, tract or parcel of land shall be made except in accordance with the provisions of this Ordinance.
- (H) Unless and until a subdivision and/or land development plan has been approved and recorded in accordance with all standards and provisions of this Ordinance, no lots within a proposed subdivision or land development may be sold and no permits shall be issued in order to erect any building upon land within a development.
- (I) Where under special and unique conditions, a literal enforcement of these regulations would result in an unnecessary hardship, such reasonable exceptions thereto may be made, provided it will not affect the public health, safety and general welfare of the residents and property owners of Upper Bern Township.
- (J) After approval or endorsement by the Upper Bern Township Planning Commission and Board of Supervisors, the subdivision or land development plan shall be recorded in the office of the Berks County Recorder of Deeds.

Section 106: Severability

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 107: Repealer

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Ordinance; provided however, that the provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Ordinance.

Section 108: Effective Date

The Upper Bern Township Board of Supervisors has enacted the Upper Bern Township Subdivision and Land Development Ordinance of 2008 on January 28, 2008, as part of Upper Bern Township Ordinance Number 93-2008. The Upper Bern Township Zoning Ordinance of 2008 shall become effective within five (5) days of the adoption date by the Upper Bern Township Board of Supervisors.