

ORDINANCE NO. 164

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING THE AMITY TOWNSHIP ZONING ORDINANCE AND ZONING MAP, BY (1) AMENDING CERTAIN DEFINITIONS AND ADDING CERTAIN NEW DEFINITIONS, (2) ESTABLISHING AREA, YARD AND HEIGHT REGULATIONS FOR THE LDR LOW DENSITY RESIDENTIAL ZONING DISTRICT, (3) AMENDING THE USES PERMITTED BY RIGHT IN THE HC HIGHWAY COMMERCIAL DISTRICT, (4) AMENDING THE USES PERMITTED BY SPECIAL EXCEPTION IN THE LI LIGHT INDUSTRIAL ZONING DISTRICT, (5) AMENDING FLOODPLAIN OVERLAY DISTRICT REGULATIONS, (6) AMENDING THE USES PERMITTED BY RIGHT IN THE STEEP SLOPE OVERLAY ZONING DISTRICT, (7) AMENDING THE DENSITY SPECIFICATIONS OF THE CLUSTER DEVELOPMENT REGULATIONS, (8) AMENDING THE DEVELOPMENT STANDARDS FOR MOBILE HOME PARK REGULATIONS, (9) AMENDING RESIDENTIAL PROVISIONS FOR ACCESSORY USES OR STRUCTURES, (10) AMENDING INTENSIVE AGRICULTURAL STANDARDS OF THE AGRICULTURAL USE REGULATIONS, (11) AMENDING OUTDOOR STORAGE REGULATIONS, (12) AMENDING LANDSCAPING REGULATIONS, (13) AMENDING FENCES, WALLS AND HEDGES REGULATIONS, (14) AMENDING ACCESSORY BUILDING SETBACK EXCEPTIONS REGULATIONS, (15) AMENDING HEIGHT EXCEPTIONS REGULATIONS, (16) AMENDING SWIMMING POOLS REGULATIONS, (17) AMENDING OFF-STREET PARKING FACILITIES REGULATIONS, (18) AMENDING SIGNS REGULATIONS, (19) AMENDING MULTI-FAMILY DEVELOPMENTS REGULATIONS, (20) AMENDING SINGLE FAMILY SEMI-DETACHED DEVELOPMENTS REGULATIONS, (21) AMENDING SOLID WASTE DISPOSAL FACILITIES REGULATIONS, (22) AMENDING SOLID WASTE DISPOSAL FACILITIES/SOLID WASTE LANDFILLS/LOW LEVEL RADIOACTIVE WASTE FACILITY REGULATIONS, (23) ADDING BLASTING AND DETONATION REQUIREMENTS REGULATIONS, (24) ADDING KENNEL REGULATIONS, (25) ADDING WOODLAND EXTRACTION REGULATIONS, (26) ADDING OTHER DWELLING TYPES OR LAND USES REGULATIONS,

(27) ADDING EXPORTATION AND/OR EXTRACTION OF GROUNDWATER REGULATIONS, (28) ADDING SELF STORAGE UNITS REGULATIONS, (29) AMENDING NONCONFORMING STRUCTURES OR BUILDINGS REGULATIONS, (30) AMENDING REGISTRATION OF NONCONFORMITIES REGULATIONS, (31) AMENDING THE DUTIES AND POWERS OF THE ZONING OFFICER, (32) AMENDING CONDITIONAL USES REGULATIONS, (33) AMENDING REFERENCES TO CERTAIN ADMINISTRATIVE AGENCIES AND UTILITIES COMPANIES REFERRED TO IN THE ZONING ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 202, entitled "Specific Terms", of Article II, entitled "Definitions", of the Amity Township Zoning Ordinance of 1991, as amended, (the "Zoning Ordinance") is hereby supplemented by adding thereto the following definitions:

Development. Any man-made change to improved or unimproved land including, but not limited to, buildings or other structures, the installation of utilities, filling, grading, paving, excavation, mining, dredging or drilling operations.

Kennel. A commercial establishment, structure, lot or portion of a lot in which five (5) or more domesticated pets more than six (6) months old are kept for the purpose of breeding, boarding, sale and/or show.

Section 2. The following definitions contained in Section 202, entitled "Specific Terms", of Article II, entitled "Definitions", of the Zoning Ordinance are hereby amended in their entirety so as to hereafter read as follows:

Lot (Corner Lot). A lot situate at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty five degrees (135°). The front yard and lot width requirements shall apply to each street to which the corner lot has frontage.

Lot Width. The width of a lot measured at the street line and at the legal right-of-way line and/or ultimate right-of-way line (where it exists) of the street immediately adjacent thereto.

Water Supply System (Community). A temporary water supply system which transmits from a common source to more than one (1) dwelling,

principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis for developments which are to be permanently serviced by a public water supply system.

Woodland Extraction. The clear cutting of mature trees (six inches (6") or more in caliper) to provide area for development on an individual lot.

Zoning Ordinance. The Amity Township Zoning Ordinance of 1991; as amended on November 18, 1992; as further amended on August 29, 1994; as further amended on April 27, 1998, as further amended on \_\_\_\_\_, 1998.

Section 3. Section 402, entitled "LDR - Low Density Residential District", of Article IV, entitled "Zoning District Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection 402.5:

**402.5 Area, Yard and Height Regulations.** Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Low Density Residential District, except as specifically provided for in this Ordinance:

Minimum Regulations

	<u>On-Lot Facilities</u>	<u>Public Sewer On-Lot Water</u>	<u>Public Sewer Public Water</u>
Lot Area	80,000 S.F.	30,000 S.F.	20,000 S.F.
Lot Width	200 Feet	125 Feet	100 Feet
Building Setback	50 Feet	40 Feet	40 Feet
Rear Yard	30 Feet	20 Feet	20 Feet
Side Yard			
Total	50 Feet	40 Feet	20 Feet
Each Side	25 Feet	20 Feet	10 Feet

Maximum Regulations

	<u>On-Lot Facilities</u>	<u>Public Sewer On-Lot Water</u>	<u>Public Sewer Public Water</u>
Building Height	35 Feet	35 Feet	35 Feet
Lot Coverage	20 Percent	30 Percent	40 Percent
Woodland Extr.	30 Percent	40 Percent	50 Percent

Section 4. Subsection 405.2, entitled "Uses Permitted by Right", of Section 405, entitled "HC - Highway Commercial District", of Article IV, entitled "Zoning District Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection O:

O. Self Storage Units, subject to the requirements specified under Section 949 of this Ordinance.

Section 5. Subsection 407.4, entitled "Uses Permitted by Special Exception", of Section 407, entitled "LI - Light Industrial District", of Article IV, entitled "Zoning District Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection I:

I. Kennels, subject to Section 946 of this Ordinance.

Section 6. Section 502, entitled "Floodplain Overlay District", and Subsections 502.1 through and including 502.7 of Article V, entitled "Environmental Protection Overlay Districts", of the Zoning Ordinance are hereby amended in their entirety so as to hereafter read as follows:

**502 Floodplain Overlay District**

A. The purpose of the floodplain overlay district shall be an overlay to the underlying zoning districts as illustrated on the Official Zoning Map of Amity Township. As such, these provisions regulating floodplain management shall be a supplement to the underlying zoning district provisions.

B. The purpose of establishing provisions for floodplain management is to promote and protect the general health, welfare and safety of the community, encourage the utilization of appropriate construction practices, minimize potential hazards to public health, and reduce financial burdens imposed on the community and government.

C. The Amity Township Floodplain Ordinance (Amity Township Ordinance No: 97-158) has been adopted by the Amity Township Board of Supervisors on December 1, 1997. The purpose, intent, application procedures, administrative controls, identification of all floodplain areas, technical provisions, permitted land uses, activities requiring special exceptions, existing or non-conforming provisions, variance procedures, technical definitions and enactment are comprehensively outlined under the Amity Township Floodplain Ordinance.

D. For the purposes of this Ordinance, all activities within the floodplain shall conform with the provisions and requirements outlined under the Amity Township Floodplain Ordinance.

Section 7. Subsection 505.3, entitled "Uses Permitted by Right", of Section 505, entitled "Steep Slope Overlay District", of Article V, entitled "Environmental Protection Overlay Districts", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection E:

E. Single Family Detached Dwelling, provided that the applicant submits a Grading Plan to the Township which demonstrates that the dwelling will be located on slopes less than twenty-five percent (25%) as a result of final grading and that the side slopes of the lot will be less than a ratio of 3:1 in post-development conditions. In addition, the applicant shall provide evidence to the Township Zoning Officer and the Township Engineer that the construction methods to be utilized will overcome problems associated with stormwater management, erosion/sediment control, wastewater treatment/disposal, water supply, accessibility and structural stability. The proposed lot shall comply with the area, yard and height regulations of the underlying zoning district.

Section 8. Subsection A of Subsection 602.2, entitled "Density Specifications", of Section 602, entitled "Development and Design Standards", of Article VI, entitled "Cluster Development Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

A. The Cluster Development shall not exceed the overall gross residential density that is conventionally permitted for development in the zoning district for which it is located. This translates into the following maximum permitted densities:

<u>Zoning District</u>	<u>Maximum Density</u>
LDR	2.18 Dwelling Units/Acre
MDR	3.63 Dwelling Units/Acre

Section 9. Subsection A of Subsection 702.3, entitled "Density Specifications", of Section 702, entitled "Development Standards", of Article VII, entitled "Planned Residential Development Regulations", of the Zoning Ordinance is hereby supplemented by amended in its entirety so as to hereafter read as follows:

A. The PRD shall not exceed the following overall gross residential density:

<u>Zoning District</u>	<u>Maximum Density</u>
LDR	3.00 Dwelling Units/Acre
MDR	4.00 Dwelling Units/Acre

Section 10. Subsection 802.3, entitled "Development Standards", of Section 802, entitled "Development and Design Standards", of Article VIII, entitled "Mobile Home Park Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection X:

X. A Land Development Plan shall be submitted to the Township for review and approval for any structures and/or permanent additions.

Section 11. Subsection C of Subsection 902.2, entitled "Residential Provisions", of Section 902, entitled "Accessory Uses or Structures", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

C. Paved terraces, patios or open porches, provided that such terraces, patios or open porches are not structurally enclosed, are not closer than ten feet (10') to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.

Section 12. Subsection 902.2, entitled "Residential Provisions", of Section 902, entitled "Accessory Uses or Structures", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections G, H, I and J:

G. Except as otherwise permitted within this Zoning Ordinance, the height of a residential accessory structure shall not exceed twenty feet (20') in height.

H. In the LDR and MDR Zoning Districts, utility sheds shall not be permitted in the front or side yard or within five feet (5') feet of the rear lot line. The minimum distance between a utility shed within a rear yard and a side lot line shall be five feet (5'). All such utility sheds permitted under this section of this Ordinance shall not exceed a floor area of one hundred ninety-two (192) square feet and a height of twelve feet (12').

I. The cumulative floor area of the accessory structures on a single lot shall not exceed fifty percent (50%) of the total first floor living area of the principal dwelling unit. The first floor living area shall not include garages, enclosed porches or other areas which are deemed as non-living space by the Amity Township Code Enforcement Officer.

J. The maximum span of any one side of a detached garage shall not exceed thirty-six feet (36').

Section 13. Subsection 905.2, entitled "Intensive Agricultural Standards", of Section 905, entitled "Agricultural Use Regulations", of Article IX, entitled

"Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections O and P:

O. A Nutrient Management Plan, a Manure Management Plan, a Conservation Plan, a Stormwater Management Plan, an Erosion/Sedimentation Control Plan, a Solid Waste Management Plan, and a Hydrogeological Resource Plan shall be prepared by the applicant for all proposed intensive agricultural uses. All such plans shall be submitted to the Amity Township Engineer for review and comment. All such plans shall be approved by Amity Township prior to the proposed intensive agricultural activity is permitted to commence.

P. Dead carcasses shall be removed from the property within forty-eight (48) hours of fatality and disposed of in a manner which is acceptable to Amity Township and the Commonwealth of Pennsylvania.

Section 14. Subsection B of Section 910, entitled "Outdoor Storage", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

B. Exterior fuel tanks or drums utilized for agricultural uses shall be stored in approved above ground containers not exceeding six hundred (600) gallons. All such containers shall be directly connected with engines, heating devices, fuel pumps or agricultural appliances. All such containers and connections shall be reviewed, approved and/or permitted by the appropriate agencies.

Section 15. Section 910, entitled "Outdoor Storage", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections C, D, E and F:

C. Exterior fuel tanks or drums utilized for residential uses shall be stored in approved above ground containers not exceeding three hundred twenty-five (325) gallons. All such containers shall be directly connected with the appropriate heating devices, fuel pumps or agricultural appliances. All containers and connections shall be reviewed, approved and/or permitted by the appropriate agencies.

D. If required by the Township, all storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a fence and planting screen to conceal the storage facilities from the view of adjacent properties. The fence and planting screen shall be subject to review and approval by the Township.

E. No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.

F. No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards which are satisfactory to the Township and the Pennsylvania Department of Environmental Protection. All such protective safeguards shall be subject to the review and approval by the Township.

Section 16. Subsection H of Subsection 914.1, entitled "Buffer Yards", of Section 914, entitled "Landscaping", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

H. If permitted by the Planning Commission, natural berms may be provided as a buffer yard. The applicant shall demonstrate that the soil type, hydrology, topography and selected landscaping material are appropriate for the area in which the buffer yard is to be located. All such natural berms shall be properly graded to a maximum side slope of 4:1. In addition, the natural berms shall be properly stabilized by the developer in accordance with the standards specified by Amity Township and the Berks County Conservation District.

Section 17. Subsection 914.1, entitled "Buffer Yards", of Section 914, entitled "Landscaping", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection I:

I. The Board of Supervisors shall have the right to waive or modify any of the above specifications if the applicant can demonstrate that the existing conditions of the site exceeds all applicable requirements listed under Section 914 (Landscaping) of this Ordinance.

Section 18. Subsection 914.2, entitled "Developments Requiring Landscaping Plans", of Section 914, entitled "Landscaping", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections K and L:

K. A Landscaping Plan, prepared and certified by a professional Landscape Architect, should be submitted to the Township for review and approval for residential developments exceeding fifty (50) or more dwelling units.

L. A Landscaping Plan, prepared and certified by a professional Landscape Architect, should be submitted to the Township for review and approval for non-residential developments in which the cumulative gross floor area exceeds forty thousand (40,000) square feet.

Section 19. Subsection D of Section 916, entitled "Fences, Walls and Hedges", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection E:

E. Fences exceeding four feet (4') in height must be set back a minimum of two feet (2') from a property line and shall not be permitted in the front yard.

Section 20. Section 919, entitled "Accessory Building Setback Exceptions", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

**919 [Reserved for Future Use]**

Section 21. Section 920, entitled "Height Exceptions", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

**920 Height Exceptions**

A. Subject to the dimensional limits set forth in Subsection B of this Section of the Ordinance, the building height limitations contained within this Ordinance shall not apply to chimneys, spires, belfries, cupolas, farm buildings, silos, greenhouse ventilators, antennas (not in combination with support towers), water tanks and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy.

B. The projection of the structures which are specified in Subsection A of this Section 920 A of this Ordinance may be increased by one foot (1') for each foot by which the width of each front yard, side yard and rear yard is increased beyond the minimum front, side and rear yard requirements up to a maximum of fifty feet (50'). In no case shall the height of the structure, or the building in combination with a structure, be greater than the distance to the closest lot line.

C. The height exceptions specified in this Zoning Ordinance shall be consistent with the development standards specified under the Airport Zoning Act (Pennsylvania Act 164 of 1984, as amended) and by the Pennsylvania Department of Transportation, Bureau of Aviation.

Section 22. Section 921, entitled "Swimming Pools", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection F:

F. In addition to the provisions identified within this section, all swimming pools shall be located, designed, constructed and maintained in accordance with the provisions specified in the Amity Township Building Code.

Section 23. Subsection Q of Subsection 924.1, entitled "Standards", of Section 924, entitled "Off-Street Parking Facilities", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

Q. No tractor trailer truck, or trailer from a tractor trailer truck, shall be stored or parked for more than forty-eight (48) hours within any Zoning District unless it is stored within a completely enclosed building or is more than one hundred feet (100') from the property line. However, tractor trailer trucks, or trailers from tractor trailer trucks, may be parked in a Zoning District for a period not exceeding two (2) successive days during loading or unloading.

Major recreational equipment, including but not limited to boats and boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers or similar equipment, shall not be parked or stored on any public street or within any Zoning District, except in a carport, a completely enclosed building, a rear yard or a driveway provided such vehicle is parked behind the building setback line. Such equipment, however, may be parked for a period not exceeding two (2) successive days during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in such location, unless a temporary permit is issued by the Municipality.

Section 24. Subsection 924.1, entitled "Standards", of Section 924, entitled "Off-Street Parking Facilities", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection S:

S. Section 510 of the Amity Township Subdivision and Land Development ordinance provides additional design standards and specifications for off-street parking facilities.

Section 25. Subsection F of Subsection 927.3, entitled "Permitted Signs - All Zoning District", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

F. Signs directing patrons, members of audience to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such a sign shall not exceed six (6) square feet, shall be removed within a reasonable period of time not to exceed seven (7) days after the election.

Section 26. Subsection 927.3, entitled "Permitted Signs - All Zoning District", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections G and H:

G. Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with all other terms of this Zoning Ordinance and shall be removed within seven (7) days after the election.

H. Temporary signs utilized for commercial display shall be permitted provided it does not exceed twenty-five (25) square feet and is not located within the street right-of-way. In addition, all temporary signs shall be displayed on-site and only during normal business hours.

Section 27. Subsection 927.4, entitled "Permitted Signs - Residential Districts", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsections E and F:

E. Developments containing a total of twenty-five (25) or more dwelling units may provide a sign for the purposes of identifying the name of the development. All such signs shall be limited one (1) sign per entrance to the development and a maximum of thirty-two (32) square feet per sign.

F. Illuminated signs shall not be permitted for any use in a residential zoning district.

Section 28. Subsection C of Subsection 927.5, entitled "Permitted Signs - Multi-Family/Planned Residential Developments", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

C. Developments containing a total of twenty-five (25) or more multi-family dwelling units may provide a sign for the purposes of identifying the name of the development. All such signs shall be limited one (1) sign per entrance to the development and a maximum of thirty-two (32) square feet per sign. Signs identifying the individual buildings within the project shall not exceed two (2) square feet.

Section 29. Subsection 927.5, entitled "Permitted Signs - Multi-Family/Planned Residential Developments", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new subsection D:

D. Illuminated signs shall not be permitted for any planned residential developments or multi-family developments.

Section 30. Subsection B of Subsection 927.6, entitled "Permitted Signs - Commercial and Industrial Districts", of Section 927, entitled "Signs", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

B. Special temporary promotional devices, signs or displays shall be permitted on the outside of a building provided they are not on display for a total period of thirty (30) cumulative days in any given year.

Section 31. Subsection H of Section 931, entitled "Multi-Family Developments", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

H. The number of townhouses, or other units in combination with townhouses, shall not exceed eight (8) contiguous residential dwelling units.

Section 32. Subsection A of Section 932, entitled "Single Family Semi-Detached Developments", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

A. Single Family Semi-Detached Developments shall comply with the minimum and maximum dimensional requirements specified below. All minimum and maximum dimensional requirements shall be imposed on each individual dwelling unit.

Minimum Regulations

	<u>On-Lot Sewage and Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage and Water Facilities</u>
Lot Area*	2 Acres	30,000 S.F.	6,000 Sq. Ft.
Lot Width*	150 Ft.	100 Ft.	50 Ft.
Building Setback*	40 Ft.	40 Ft.	40 Ft.
Rear Yard*	30 Ft.	30 Ft.	20 Ft.
Side Yard*	30 Ft.	20 Ft.	20 Ft.

Maximum Regulations

	<u>On-Lot Sewage and Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage and Water Facilities</u>
Building Height*	35 Ft.	35 Ft.	35 Ft.
Lot Coverage*	20 Percent	30 Percent	40 Percent
Woodland Extr.*	30 Percent	40 Percent	60 Percent

\* Per Dwelling Unit

Section 33. Section 936, entitled "Solid Waste Disposal Facilities", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

**936 Solid Waste Disposal Facilities.** Solid waste disposal facilities including landfills, low level radioactive waste facilities and resource recovery facilities are permitted by Special Exception in the LI Light Industrial Zoning District. If a Special Exception is granted the applicant is subject to all conditions, standards, and controls listed under Subsection 936.1 (Solid Waste Landfills and Low Level Radioactive Waste Facility) and Subsection 936.2 (Resource Recovery Facility).

Section 34. The Subsection heading and the introductory language (not including subsections A through Z, which are not hereby amended except as specifically set forth in this Ordinance) of Subsection 936.1, entitled "Solid Waste Landfills", of Section 936, entitled "Solid Waste Disposal Facilities", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

**936.1 Solid Waste Landfills/Low Level Radioactive Waste Facility.** For the purposes of this Ordinance, the following terms shall be defined as follows:

Solid Waste Landfill. A site in which engineering principals are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.

Low Level Radioactive Waste Facility. A site in which engineering principals are utilized for the disposal of low level radioactive waste as defined by the United States Environmental Protection Agency and by the Pennsylvania Department of Environmental Protection.

If a special exception to permit a solid waste landfill or a low level radioactive waste facility, the applicant shall be subject to all conditions, standards and controls listed below:

Section 35. All references in Subsections A through and including Z of Subsection 936.1, entitled "Solid Waste Landfills/Low Level Radioactive Waste Facility", of Sections 936, entitled "Solid Waste Disposal Facilities", of Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance to "solid waste landfill" are amended so as to hereafter refer to "solid waste landfill and/or low level radioactive waste facility".

Section 36. Article IX, entitled "Supplementary Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new Sections 945, 946, 947, 948, 949 and 950:

**945 Blasting and Detonation Requirements**

A. All general blasting and/or detonation operations shall conform with the regulations enforced by the applicable agencies of the Commonwealth of Pennsylvania and the federal government.

B. Blasting and/or detonation operations shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m. and shall not be permitted on Sundays and holidays.

C. Written notice of all blasting and/or detonation operations shall be given at least twenty-four (24) hours prior to the commencement of blasting and/or detonation to the Township and to the occupants of all properties within a radius of one thousand feet (1,000') of the location of blasting and/or detonation. In addition, notice shall be given to the regional fire department, police department and all sensitive business ventures.

D. All blasting and/or detonation operations shall be conducted by a licensed contractor. A copy of the license and certificate of insurance shall be provided to the Township at least twenty-four (24) hours prior to the commencement of blasting.

E. The storage of explosives shall be in accordance with all pertinent federal, state and local laws.

**946 Kennels**

A. A kennel shall be considered as a commercial establishment, structure, lot or portion of a lot in which five (5) or more domesticated pets more than six (6) months old are kept for the purpose of breeding, boarding, sale and/or show.

B. The minimum area for a kennel operation shall be ten (10) acres.

C. No animal shelter shall be located within two hundred feet (200') (measured from the property line) of any property line.

D. The sewage disposal system and water supply system shall be sized and permitted for the proposed use. The storage of any manure or animal waste shall be kept in an enclosed structure and located at least three hundred feet (300') from any property line. A plan for manure management shall be submitted to the Township for review and approval.

E. Retail sales of related items shall be limited to a maximum floor area of one thousand (1,000) square feet. Shows and/or competitions which occur on the property shall be limited to one (1) per year.

F. The perimeter of the kennel operation shall be enclosed with a fence with minimum height of eight feet (8') with gates.

#### **947 Woodland Extraction**

A. Woodland extraction is hereby defined as the clear cutting of mature trees (six inches (6") or more in caliper) to provide area for development on an individual lot.

B. Each established Zoning District within Amity Township has specific limitations for woodland extraction. Where Zoning District regulations for woodland extraction are not specified, the maximum area which can be cleared for development and related improvements shall be fifty percent (50%) per lot.

C. All residential developments containing ten (10) or more dwelling units or non-residential development greater than one (1) gross acre of land area shall submit a Landscaping Plan to the Township for review. The Landscaping Plan shall show the trees and vegetative cover which is to be timbered and/or cleared within the development. In addition, the Landscaping Plan shall show the type, size and arrangement of all species which are to be provided as a replacement to those timbered and/or cleared. The plant materials utilized shall be selected from the approved list identified in Section 914.3 of this Zoning Ordinance.

D. If additional trees are extracted for the purposes of grading or municipal improvements, the developer shall replace all such trees which have been timbered and/or cleared. The type and location of all such replacement trees shall be provided on a Landscaping Plan which shall be subject to the approval of the Planning Commission. The

Landscaping Plan shall be prepared in accordance with the requirements which are specified under Section 914 of this Ordinance.

E. The Amity Township Code Enforcement Officer and Engineer shall review all Plans involving the clearing of woodland within developments. The Amity Township Code Enforcement Officer shall determine if violations have occurred as a result of any improvements which are being completed within the development and/or if any additional trees should be required within the development and planted in order to off-set trees which have been cleared and not accounted for on the approved Plans. The fines associated with the violation and/or the cost of the replacement trees shall be the responsibility of the developer.

F. The Amity Township Code Enforcement shall be responsible for resolving all disputes under this Section.

**948 Other Dwelling Types or Land Uses.** Other dwelling types or uses, not specifically or adequately identified within this Zoning Ordinance, may evolve after the enactment of this Zoning Ordinance or were not uses commonly in use at the time of the enactment of this Zoning Ordinance. From time to time, however, such dwelling types or land uses may become reasonable or appropriate. It is the purpose of this Ordinance to provide for all reasonable and appropriate uses and it is the purpose of this Section to establish a mechanism for inclusion of such additional dwelling types or uses within the Township. Therefore, the following provisions shall apply:

A. The landowner shall submit a request for inclusion of a specific dwelling type or use to the Amity Township Board of Supervisors and Planning Commission with illustrations and explanatory information which fully describe the dwelling type or use and the manner in which the proposed dwelling type or use substantially differs from the permitted uses in this Zoning Ordinance.

B. The Amity Township Planning Commission shall review the submission and advise the Board of Supervisors. The Planning Commission shall determine if the proposed dwelling or use falls within any of the permitted use classifications of this Zoning Ordinance, is a variation of a permitted use or is an exotic use which is not reasonable or appropriate.

C. All proposed dwelling types and uses which are not accounted for in this Zoning Ordinance shall be considered by the Amity Township Board of Supervisors and Planning Commission as an

application for a conditional use as set forth under Article XI of this Zoning Ordinance.

D. It is the intent of this Zoning Ordinance that reasonable and appropriate dwelling types or uses be permitted in the Zoning District in which it is most suited. The purpose and intent of each Zoning District is described within the Amity Township Comprehensive Plan Update, the Amity Township Act 537 Plan Update and this Zoning Ordinance. All proposed dwelling types or uses shall be consistent with these documents.

E. Such reasonable and appropriate dwelling types or uses shall be permitted in the Zoning District(s) for which it is most suited subject to the dimensional requirements and other requirements set forth by the Amity Township Board of Supervisors. All applications which are not reasonable or appropriate for the Zoning District in which it is proposed may be rejected by the Amity Township Board of Supervisors.

F. If required by the Board of Supervisors, a land development plan shall be submitted to the Township for review and approval.

**949 Exportation and/or Extraction of Groundwater.** The commercial exportation and/or extraction of groundwater in Amity Township shall only be permitted by special exception in the Highway Commercial (HC) and Village Commercial (VC) Zoning Districts. If a special exception is granted by the Zoning Hearing Board, the following conditions shall apply:

A. The commercial exportation and/or extraction of groundwater within Amity Township shall only be permitted by a company which is certified and licensed by the Public Utility Commission.

B. The facility operations shall be approved and permitted by the Delaware River Basin Commission, the Pennsylvania Department of Environmental Protection and any other agency having jurisdiction over the facility operations.

C. The minimum area for total facility operations shall be twenty-five (25) acres.

D. The minimum isolation distance between the proposed source of groundwater extraction and an existing water supply facility shall be a minimum of three hundred feet (300').

E. The pumping or extraction of groundwater for the facility operations shall not operate for a cumulative time period exceeding twelve (12) hours per day.

F. A dynamic recovery rate and draw-down tests shall be conducted by the applicant to determine the maximum safe daily yield of the commercial facility operations. All such dynamic recovery rate and draw-down tests shall be subject to the approval of the Amity Township Engineer.

G. The applicant shall prepare and submit a study prepared by a professional hydrogeologist certifying that the commercial facility operations will be supplied by a continuous safe daily yield which will not adversely affect the groundwater table or existing water supply sources within one thousand feet (1,000') of the source of extraction. The conclusions of the study shall be subject to the approval of the Amity Township Engineer.

H. All such applications for the commercial extraction or exportation of groundwater shall demonstrate that the adjacent water supply sources will not be effected by discontinued use, contamination, loss of supply or the ability to properly recharge over time. Where deemed appropriate or required by the Amity Township Engineer, the applicant shall comply with all pertinent regulations for community water supply as specified under the Amity Township Subdivision and Land Development Ordinance, as amended.

I. A Land Development Plan shall be submitted to Amity Township which demonstrates compliance with all provisions specified under this Section of this Ordinance and all other pertinent regulations adopted by Amity Township.

#### **950 Self Storage Units.**

A. Self storage units shall be defined as a building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self storage of tangible personal property.

B. Self storage units are a permitted used by right within the Highway Commercial (HC) Zoning District, subject to the following requirements:

1. The minimum gross lot area for a self storage operation shall be two (2) acres.

2. The minimum front yard setback shall be sixty feet (60'), as measured from the ultimate right-of-way line of the public street in which it has frontage.

3. The minimum side yard setback shall be thirty feet (30'), as measured from each side lot line.

4. The minimum rear yard setback shall be sixty feet (60'), as measured from the rear lot line.

5. A buffer yard shall be established within the required front, side and rear yards of the lot in which the self storage units are proposed. Unless otherwise directed by the Planning Commission, the minimum depth of the required buffer yard shall be twenty-five feet (25'). The buffer yard shall be consistent with the standards specified under Section 914.1 of this Zoning Ordinance. The plant material for the buffer yard must be selected from the species identified under Section 914.3 of this Ordinance.

6. A Landscaping Plan shall be prepared and submitted to the Township for review. The contents of the proposed Landscaping Plan shall be subject to the approval of the Planning Commission.

7. A complete Land Development Plan shall be prepared and submitted to the Township for review. The proposed Land Development Plan shall be subject to the approval of the Township.

8. The self storage units must be enclosed and contained by a security fence with a twenty-four (24) hour automated access gate. The type, location, height and arrangement of the security fence and automated access gate shall be subject to the approval of the Planning Commission. Where required by the Planning Commission, additional landscaping materials shall be provided in order to screen the security fence from all public roads and all adjacent properties.

9. The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles, shall only be permitted behind the proposed buildings and/or within the rear yard of the lot. The required buffer yard should conceal the view of all such vehicles.

10. The entrance and all vehicular access aisles shall be a minimum of twenty-four feet (24') in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall be paved from the cartway of the public road to a point twenty-five feet (25') within the automated access gate.

11. All exterior lighting and signs for the self storage operation shall conform with all applicable Sections of this Zoning Ordinance.

12. Retail sales shall be subordinate and/or accessory to the self storage operation.

13. One (1) office area or building may be included within the site of the self storage operation. The office use shall be subordinate and/or accessory to the self storage operation.

14. Each building shall be a fully enclosed building, built of durable materials on a permanent foundation. Truck trailers, box cars or similar impermanent removable structures shall not be used as buildings for self storage units.

15. All uses shall be in conformity with all provisions of the Amity Township Zoning Ordinance, including but not limited to Section 911, and the Amity Township Subdivision and Land Development Ordinance. No use of the storage units shall in any way violate Township Ordinances, Pennsylvania Laws, Statutes, Regulations or Administrative Rules or any Federal Laws, Statutes, Regulations or Administrative Rules of any nature or type.

Section 37. Subsection B of Subsection 1004.1, entitled "Enlargement", of Section 1004, entitled "Nonconforming Structures or Buildings", of Article X, entitled "Nonconformities", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

B. A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable dimensional requirements imposed by this Zoning Ordinance, except that a principal building which existed at the effective date of this Ordinance which is nonconforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the building located within the required yard. All such repairs, improvements, modifications and/or additions shall not further increase or extend into the required yard.

Section 38. Section 1008, entitled "Registration of Nonconformities", of Article X, entitled "Nonconformities", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

**1008 Registration of Nonconformities.** To facilitate the administration of this Ordinance, the property owner shall inform the Amity Township Zoning Officer as to the status of a nonconforming use, lot, structure or building. The burden of proof that the use, lot, structure or building is a nonconformity shall be the responsibility of the property owner. All known nonconformities shall be a matter of public record and shall constitute sufficient notice and the limitations therein express and implied to any transferee acquiring any right to use or own such property.

Section 39. Subsection G of Subsection 1103.2, entitled "Duties and Powers", of Section 1103, entitled "Zoning Officer", of Article XI, entitled "Administration and Enforcement", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

G. Review and register nonconforming use, lots, structures, buildings or signs as submitted by the property owner.

Section 40. Subsection B of Section 1109, entitled "Conditional Uses", of Article XI, entitled "Administration and Enforcement", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

B. The application procedures for a conditional use hearing shall be consistent with the requirements specified by the Pennsylvania Municipalities Planning Code, as amended.

Section 41. All references in the Zoning Ordinance to the "Pennsylvania Department of Environmental Resources" are amended so as to hereafter refer to the "Pennsylvania Department of Environmental Protection, or its successors or wholly owned subsidiaries".

Section 42. All references in the Zoning Ordinance to the "Amity Township Sewer Authority" are amended so as to hereafter refer to "Amity Township, or its successors or wholly owned subsidiaries".

Section 43. All references in the Zoning Ordinance to the "Douglassville Water Company" are amended so as to hereafter refer to the "Citizens Utilities Water Company, or its successors or wholly owned subsidiaries".

Section 44. All references in the Zoning Ordinance to the "Metropolitan Edison Company" or to "Met-Ed" are amended so as to hereafter refer to "GPU Energy, or

its successors or wholly owned subsidiaries, or to an electric utility provider selected by the Township".

Section 45. All references in the Zoning Ordinance to "UGI" are amended so as to hereafter refer to "UGI, or its successors or wholly owned subsidiaries".

Section 46. All references in the Zoning Ordinance to "Conestoga T & T Company" are amended so as to hereafter refer to "Conestoga T & T Company, or its successors or wholly owned subsidiaries".

Section 47. All references in the Zoning Ordinance to "Service Electric Cable Company" are amended so as to hereafter refer to "Service Electric Cable Company, or its successors or wholly owned subsidiaries".

Section 48. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impact any other remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Amity that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 49. The remaining provisions of the Amity Township Zoning Ordinance, and as enforced immediately before the enactment of this Ordinance, are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained; any sections inconsistent with the amendments hereinbefore referenced are hereby repealed as referenced.

Section 50. This Ordinance shall become effective five (5) days following the date of adoption.

ENACTED AND ORDAINED into law, this day of 26th day of April, 1999 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

AMITY TOWNSHIP  
BOARD OF SUPERVISORS

Barry J. Gross  
Barry J. Gross, Chairman

George H. Schreier  
George H. Schreier, Vice Chairman

D. Gene Hafer  
D. Gene Hafer

(Not present)  
Kathleen Greenawalt

Jacob Oxenford  
Jacob Oxenford

Attest:

Doris T. Concordia  
Secretary

MUNICIPAL CERTIFICATION

I, Doris T. Concordia, Secretary of Amity Township, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance #164 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Amity Township, on April 5, 1999, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on ~~May 10, 1999~~. April 26, 1999.

(SEAL)

Doris T. Concordia 5-11-99  
Secretary Date