

AMITY TOWNSHIP

BERKS COUNTY PENNSYLVANIA

ZONING ORDINANCE

OF 1991

ADOPTED: MARCH 1, 1968

AS AMENDED: AUGUST 1991

EFFECTIVE: AUGUST 1991



AMITY TOWNSHIP

BERKS COUNTY PENNSYLVANIA

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The Amity Township Zoning Ordinance of 1991 was prepared by the Amity Township Planning Commission in conjunction with the Motley Engineering Company Inc. (Township Engineer), A. Lee Levengood, Esq. (Township Solicitor), John C. Karst (Township Manager), Ronald M. Chietto (Township Zoning Officer), the Amity Township Board of Supervisors and the Amity Township Zoning Hearing Board.

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AMITY TOWNSHIP ZONING ORDINANCE

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GENERAL PROVISIONS

ARTICLE I

101

TITLE

An Ordinance establishing regulations, specifications and restrictions for the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures including areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, in the Township of Amity, Berks County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, Act 247 as amended.

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PURPOSE

This Ordinance shall be known as, and may be cited as the "Amity Township Zoning Ordinance of 1991".

This Ordinance has been adopted in accordance with the requirements of Act 247 (Pennsylvania Municipalities Planning Code), as amended; with the goals, objectives and policies established within the Amity Township Comprehensive Plan (adopted in July of 1990); and with consideration for the character of the Township and its capacity to accommodate growth and development. In addition to implementing the Amity Township Comprehensive Plan, the purpose of this Ordinance is designed:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well.

B. To prevent one or more of the following:
 overcrowding of land, blight, danger and congestion in
 travel and transportation, loss of health, life or
 property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farmland
 considering topography, soil type and classification,
 and present use.

D. To identify, protect and preserve the physical and
 environmental amenities within the Township.

E. Encourage aesthetic and innovative residential
 growth within the Township that will meet the needs of
 existing and future residents.

F. Encourage commercial and industrial development
 that is adequate to meet the Township's needs for
 employment, goods and services.

G. Ensure through planning that public facilities and
 controls are adequate to accommodate future growth.

H. To provide for a system of open space through the
 preservation of flood plains, steep slopes, wooded
 areas and farmlands, providing areas for passive and
 active recreation.

I. Promote, encourage and practice energy conservation
 within the Township.

J. Provide and establish a transportation network that
 safely and efficiently circulates people and goods
 throughout and within the Township.

104 APPLICATION

Except as hereinafter provided, no building, structure,
 land, or parts thereof in Amity Township shall be used
 or occupied, erected, constructed, assembled, moved,
 enlarged, reconstructed, or structurally altered unless
 in conformity with the provisions of this Ordinance.

This Ordinance attempts to emulate through its regulations the goals and objectives of the Amity Township Comprehensive Plan. These regulations have been established with considerations to the Township's physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics. The regulations established in this Ordinance reflect and portray the goals, objectives and policies of the functional components of the adopted Comprehensive Plan.

COMMUNITY DEVELOPMENT OBJECTIVES

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In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Ordinance impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Ordinance shall be complied with. Where the provisions of any other Township statute, ordinance, or regulations impose greater restrictions than this Ordinance, the provisions of such other Township statute, ordinance, or regulation shall be complied with unless otherwise stated in this Ordinance.

INTERPRETATION

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This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

EXEMPTIONS

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108 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.

109 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 provision of this amended Zoning Ordinance; provided however, that the provisions of this amended Zoning 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 amended Zoning Ordinance.

110 EFFECTIVE DATE

This Zoning Ordinance has been enacted by the Amity Township Board of Supervisors on August , 1991. This Ordinance shall become effective August , 1991.

ARTICLE II

DEFINITIONS

201 GENERAL INTERPRETATION

A. For the purpose of this Ordinance, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine include the feminine and the neuter.

B. The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

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SPECIFIC TERMS

Terms or words used herein, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Accessory Building: A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use.

Accessory Use: A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of land or of a building on a lot.

Acre: 43,560 Square Feet.

Act: The Pennsylvania Municipalities Planning Code, as amended.

Act 247: The Pennsylvania Municipalities Planning Code, as amended.

Adjacent: The state of being side by side, next to or adjoining one another.

ADT (Average Daily Traffic): The average number of vehicles that pass over a given point per day.

Adult Business Use: Any adult bookstore, adult cabaret, adult theater, or adult mini-motion picture theater, as defined below, and which, under the State Obscenity Code, as amended, must exclude minors or may not knowingly disseminate to minors.

Adult Bookstore: An establishment, having as a substantial or significant portion of its stock in trade (for sale or rental), books, magazines and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined by the State Obscenity Code, as amended.

Adult Cabaret: A cabaret, tavern, theater or club which features strippers, male or female impersonators, or similar entertainers who exhibit, display or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the State Obscenity Code, as amended.

Adult Mini-Motion Picture Theater: An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons within private viewing booths and/or by use of token or coin-operated viewing booths and/or by use of video machines as defined in the State Obscenity Code, as amended.

Adult Theater: Any business, indoor or outdoor, which exhibits a motion picture show or other presentations which, in whole or in part, depicts nudity, sexual conduct, sadomasochistic abuse as defined in the State Obscenity Code, as amended.

Basement: A story partly below the finished grade but having one-half or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Alluvium: Soil material such as sand, silt or clay, that has been deposited on land by past stream or flooding conditions.

Alluvial Soils: Soils which have been formed in alluvium and deposited by past stream or flooding conditions.

Agriculture (Intensive): Specialized agricultural activities including but not limited to mushroom, egg and poultry production, and dry lot livestock production, which due to the intensity of production or of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards and specifications outlined under Section 905.1 of this Ordinance. Section 905.2 outlines the limitations for intensive agricultural activities. These limitations shall disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended).

Agriculture (General): The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry. Section 905 of this Ordinance outlines the limitations for general agricultural activities. These limitations shall disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended).

Bed and Breakfast: The temporary use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for rent.

Block: A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Township, or by any combination of the above.

Board of Supervisors: Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

Buffer Yard: A continuous strip of land which is clear of all buildings and paved areas and is adequately landscaped in accordance with Section 914 of this Ordinance.

Building: A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

Building Coverage: The percentage of a lot covered by principal and accessory buildings.

Building Height: The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof.

Building Length: The measurement of a building in one general direction.

Building Setback: The minimum distance a building or structure must be set back from the street right-of-way line (except the right-of-way of a service street).

Building Setback Line: The line within a property establishing the minimum required distance between any building or structure or portions thereof to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line.

Campground: A plot of ground upon which two or more campsites are located for the occupancy, regardless whether a fee has been charged for the occupancy of such space.

Campsite: A plot of ground within a campground for the use of a single camping unit.

Camping Unit: A tent or camping vehicle located on a campsite.

Carport: A building open on two (2) or more sides and used in association with a dwelling for the storage of private motor vehicles.

Cartway: The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

Cellar: A story partly below the finished grade, having at least one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Cemetery: Land used or intended to be used for the burial of human remains and may include columbariums, crematorium, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Use and Occupancy: A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the zoning Ordinance, or that a building, structure, sign, and/or land may be lawfully employed for specific uses or both.

Church: A building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational, or other uses not normally associated with worship.

Club or Lodge: An association of persons for some common non-profit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Cluster Development: An alternative development method wherein structures are arranged in closely related groups, reducing lot sizes, preserving land for open space, and permitting innovative site design.

Commercial School: A school for the teaching of a trade or skill, carried on as a business.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines in the development. No dwelling unit, residential accessory buildings, or parking areas may be located within common open spaces.

Common Parking Area: A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, or one townhouse is located.

Common Wall: A wall used or adopted for joint service between two buildings or parts thereof.

Completion: The act of bringing to a condition of physical completeness and readiness for use and occupancy.

Comprehensive Plan: The document entitled the Amity Township Comprehensive Plan, or any part thereof, adopted by the Amity Township Board of Supervisors.

Conditional Use: Certain specified uses which are permitted or denied by the Board of Supervisors after recommendations by the Planning Commission pursuant to express standards and specifications established in this Ordinance.

Construction Site: The total necessary land required for all buildings or uses within a unified development before a zoning permit may be issued.

Conversion: To change or adapt land or structures to a different use, occupancy or purpose.

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Court: A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or buildings.

Curb Line: The edge of the cartway.

Curative Amendment: A proposed zoning amendment made to the Board of Supervisors by any landowner/application who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use of the development of land in which the landowner/applicant has an interest.

Density: The number of dwelling units per gross acre.

District: A portion of the Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

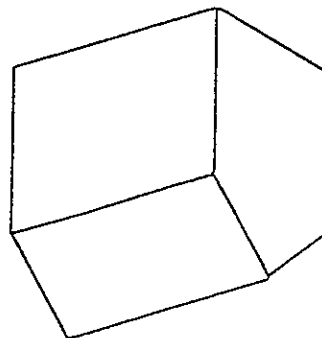
Dwelling: A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels, and institutional residences are not included in the definition of dwelling.

Single Family Detached Dwelling: A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no common wall with an adjacent building.

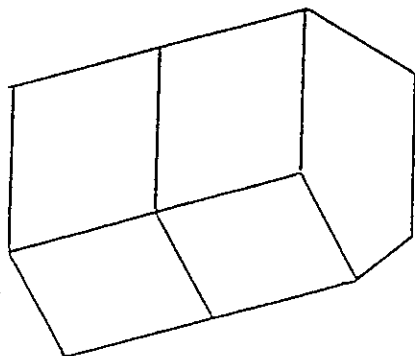
Single Family Semi-Detached Dwelling: A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a common wall.

Two-Family Detached Dwelling (Duplex): A building arranged, designed or intended for occupancy of two (2) families living independent of each other in separate dwelling units that are separated by horizontal floors as opposed to vertical walls.

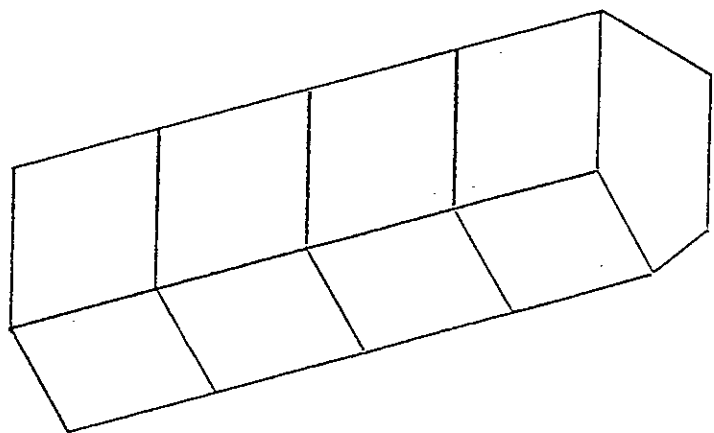
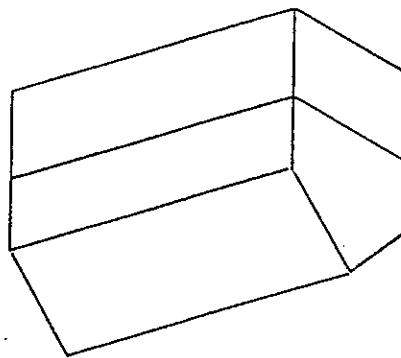
SINGLE FAMILY DETACHED



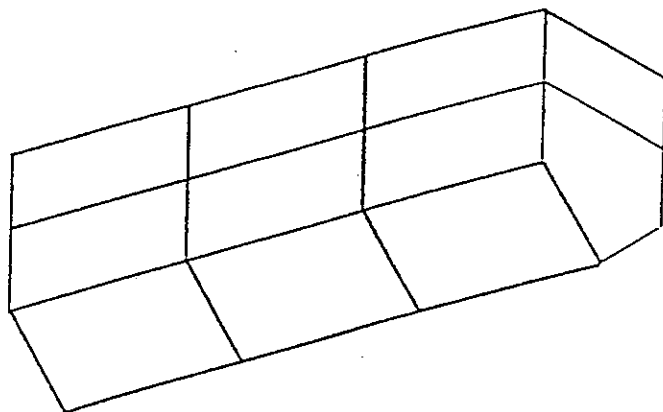
SINGLE FAMILY SEMI-DETACHED



TWO FAMILY DETACHED



TOWNHOUSES OR
SINGLE FAMILY ATTACHED



APARTMENT BUILDING

Townhouse: A building arranged, intended, or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least one separate entrance from the outside.

Apartment Building: A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended or the Pennsylvania Uniform Condominium Act, as amended.

Mobile Home: A transportable, single family dwelling constructed in accordance with the specifications of the State of Pennsylvania intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Modular Home: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site. Housing units defined as mobile homes are excluded from this definition.

Dwelling Unit: A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

Family: An individual or any number of individuals living together as a single, non-profit housekeeping unit, and having a single, common cooking facility and living together upon the premises as a separate unit in a domestic relationship based upon birth, marriage or other domestic bond; excluding, however, occupants of a club, fraternity house, lodge, residential club or rooming house. Also, a group of not more than three (3) persons not related, living as a single housekeeping unit in a dwelling unit.

Farm: An area of land, including all buildings, accessory buildings, farm buildings, and one single-family detached principal dwelling all used for agriculture and where the primary source of income is derived from property.

Farm Building: A barn, silo, or any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include dwellings.

Fence: A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

Floor Area (Gross Floor Area): The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of wall separating buildings. In particular, the floor area of a building or buildings shall include:

- (a) Basement space;
- (b) All spaces other than cellar space with structural headroom of seven feet, six inches (7'6") or more;
- (c) Interior balconies and mezzanines;
- (d) Enclosed porches or terraces or other space which are attached to the principal structure on at least one side;
- (e) Attic spaces (with or without a finished floor) providing structural headroom of seven feet, six inches (7'6") or more is available over 50 percent of such attic space.

High Water Table Soils: Surface soils which are within three (3) feet of the seasonable high water table.

Highway Access Point: A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the centerline of one such point to the centerline of another such point.

Governing Body: The Board of Supervisors of the Township of Amity.

Garage Storage: A building not a private residential nor a public garage one story in height, used solely for the storage of motor vehicles used in conjunction with a business or industry, but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

Garage Public or Repair: A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage service or repair of motor vehicles.

Garage Private Residential: An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than three (3) motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one (1) commercial vehicles or truck may be stored in a private garage.

Garage:

Floor Area Ratio: The floor area in square feet of all buildings on a lot divided by the gross area of such lot in square feet.

- (a) Cellar space, except that cellar space used for retailing;
- (b) Elevator shafts, stairwells, bulkhead, accessory water tanks or cooling towers;
- (c) Terraces, breezeways, uncovered steps, or open space;
- (d) Accessory buildings.

However, the "floor area" shall not include:

Highway Frontage: The lot dimensions measured along the right-of-way line of any one street or highway abutting a lot.

Home Occupation or Accessory Professional Office Use: A professional use which is customarily carried on in a dwelling unit, or a structure accessory thereto, clearly secondary and incidental to the dwelling in which the practitioner resides.

Hotel: A building or group of buildings containing seven or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

Hydric Soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Impervious Coverage: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces, and similar surfaces which do not normally absorb rainfall.

Improvement: Any type of structure or paved section, excluding driveway, curb, sidewalk, planting strip, or barrier to unchanneled motor vehicle entrance or exit.

Improvement Setback: The minimum distance an improvement must be setback from a street right-of-way and/or property line.

Industry: A facility for the manufacture, processing, or warehousing of products and materials.

Junk Yard: A lot, land, or structure, or parts thereof used for the collection, storage, dismantling, salvage, sale or recycling of used and discarded materials, including, but not limited to, waste paper, rags, scrap metal, or the scrap, salvage, or discarded material from vehicles or machinery. The deposit or storage of two or more unlicensed, uninspected, wrecked or disabled vehicles shall be deemed to be a "Junk Yard".

Laboratory: A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition). A lessee under a written lease, who has written authorization of the legal owner, shall be deemed to be a landowner for the purpose of this Ordinance.

Livestock: Farm animals exceeding 300 pounds in weight, which are kept or raised for use, pleasure and/or profit.

Lot: A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site or any similar term.

Corner Lot: A lot situate at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees.

Interior Lot: A lot other than a corner lot, the sides of which do not abut a street.

Reverse Frontage Lots: Lots which have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.

Through Lot: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Flag Lot or Keyhole Lot: An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

Lot Area (Gross): The space contained within the lot lines, including land area within all existing and future/utility street rights-of-ways, areas delineated as "wetlands", areas identified as common open space and land area within all utility, municipal and stormwater easements.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Lot of Record: A lot or parcel recorded in the Office of the Recorder of Deeds of Berks County, Pennsylvania. **Lot Width:** The width of a lot measured at the legal right-of-way line or ultimate right-of-way line (where it exists) of the public street immediately adjacent thereto.

Rear Lot Line: The lot line which is opposite the front lot line. The rear line of any triangular or irregularly shaped lot shall be established such that it will be at least ten feet long. **Side Lot Line:** Any lot line other than a front or rear lot line.

Front Lot Line: The line separating a lot from a street. The front lot line is also the street line.

Lot Line: A line forming the front, rear or side boundary of a lot.

Lot Frontage: That portion of a lot which fronts on a single street.

Lot Depth: The mean average horizontal distance between the front and the rear lot lines.

Lot Coverage: The percentage of a lot covered by principal and accessory buildings.

Lot Area (Net): The space contained within the lot lines, excluding any and all land areas as follows: areas within existing or designated ultimate street rights-of-ways; areas delineated as "wetlands"; areas identified as common open space; and areas within easements dedicated for utility, municipal or stormwater purposes. The Net Lot Area for all proposed lots shall be no smaller than the minimum lot size for the Zoning District in which the lot is located.

Motel: A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Vehicle Service Station: An area of land, including structures thereon, used primarily for the sale of gasoline or motor vehicle fuel, but which may be used secondarily for supplying services generally required for the operation and maintenance of motor vehicles, but which shall not include painting, body and fender repairs, or sale, rental and storage of vehicles.

Municipality: Amity Township, Berks County, Pennsylvania.

Municipal Use: A use by the Township of Amity for public recreation area, park, swimming pool, golf course, spectator sports, township offices, police station, water and sewage facilities, utilities, road materials and equipment storage and similar governmental uses, auditorium, meeting rooms for civic group use.

Nonconforming Lot: A lot which does not meet with the minimum lot width, or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Nonconforming Structure or Building: A structure or building, or part thereof which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such Ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

Nursery/Greenhouse: The raising of trees (for transplanting), ornamental, shrubs, flowers or houseplants for any commercial purpose. All nursery/greenhouses that are designed and constructed to be 1000 square feet or less shall be considered an accessory structure. All nursery/greenhouses that are designed and constructed to exceed 1000 square feet in size shall be considered a principal structure.

Nursing Home: A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

Official Map: The Zoning Map of Amity Township.

One-Hundred Year Flood: A flood that, on the average, is likely to occur once every one-hundred (100) years, i.e., that has a one percent (1%) change of occurring each year, although the flood may occur in any year.

Open Space: Unoccupied space open to the sky and on the same lot with the principal use.

Parking Lot: An off-street area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Perimeter: The limit beyond which parking is not allowed, the circumscribed parking area.

Parking Space: A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten feet (10') wide and having an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

Paved Area: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces, and similar surfaces which do not normally absorb rainfall.

Permitted Use: A use permitted in a particular district to occupy or use land for a specific purpose in accordance with this ordinance, when such use is permitted by right.

Plan: The proposal for development, including a part of subdivision, all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities.

Planned Residential Development: An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Ordinance.

Planning Commission: Planning Commission of Amity Township, Berks County, Pennsylvania.

Principal Building: A building in which a principal use on a lot is carried on.

Principal Use: The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

Recreation Area (Active): Land area that contains facilities that require visitors/participants to become involved in physical or an energetic moving function, primarily group functions.

Recreation Area (Passive): Land area that contains facilities that require visitors/participants to become involved in quiet functions that do not require physical or energetic functions.

Sanitary Sewer System: A system designed to collect, treat and dispose of sewage from users in compliance with state and local regulations.

On-Lot System: A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

Community System: A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

Public System: A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.

Sign: Any structure, building, wall, or other outdoor surface or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Solid Waste: Waste including solid, liquid, semisolid, or contained gaseous materials.

Special Exception: A use permitted in a particular district by the Zoning Hearing Board, to occupy or use land for a specific purpose in accordance with this Ordinance, when such use is not permitted by right.

State Obscenity Code: Section 5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story.

Street: A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

Arterial (Major) Street: A street serving a large volume of comparatively high-speed and long distance traffic.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or arterial streets or other collector streets. Streets within an industrial or commercial development shall be considered collector streets.

Minor Street: A street used primarily to provide access to residential properties.

Cul-De-Sac Street: A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.

Marginal Access Street: A minor street, parallel and adjacent to an arterial or collector street (but separating it by a reverse strip) which provides access to abutting properties and control of intersections.

Internal Street: A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.

Service Street (Alley): A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Street Frontage: The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line: The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street or road which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Surface Mining: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Swimming Pool: A body of water or receptacle for water having a depth at any point greater than twenty-four (24) inches which is primarily used or intended to be used for swimming or bathing.

Township: Amity Township, Berks County, Pennsylvania.

Use: The specific purpose for which land, a sign, or a structure or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on, thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: Relief granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

Water Supply System: A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the Township.

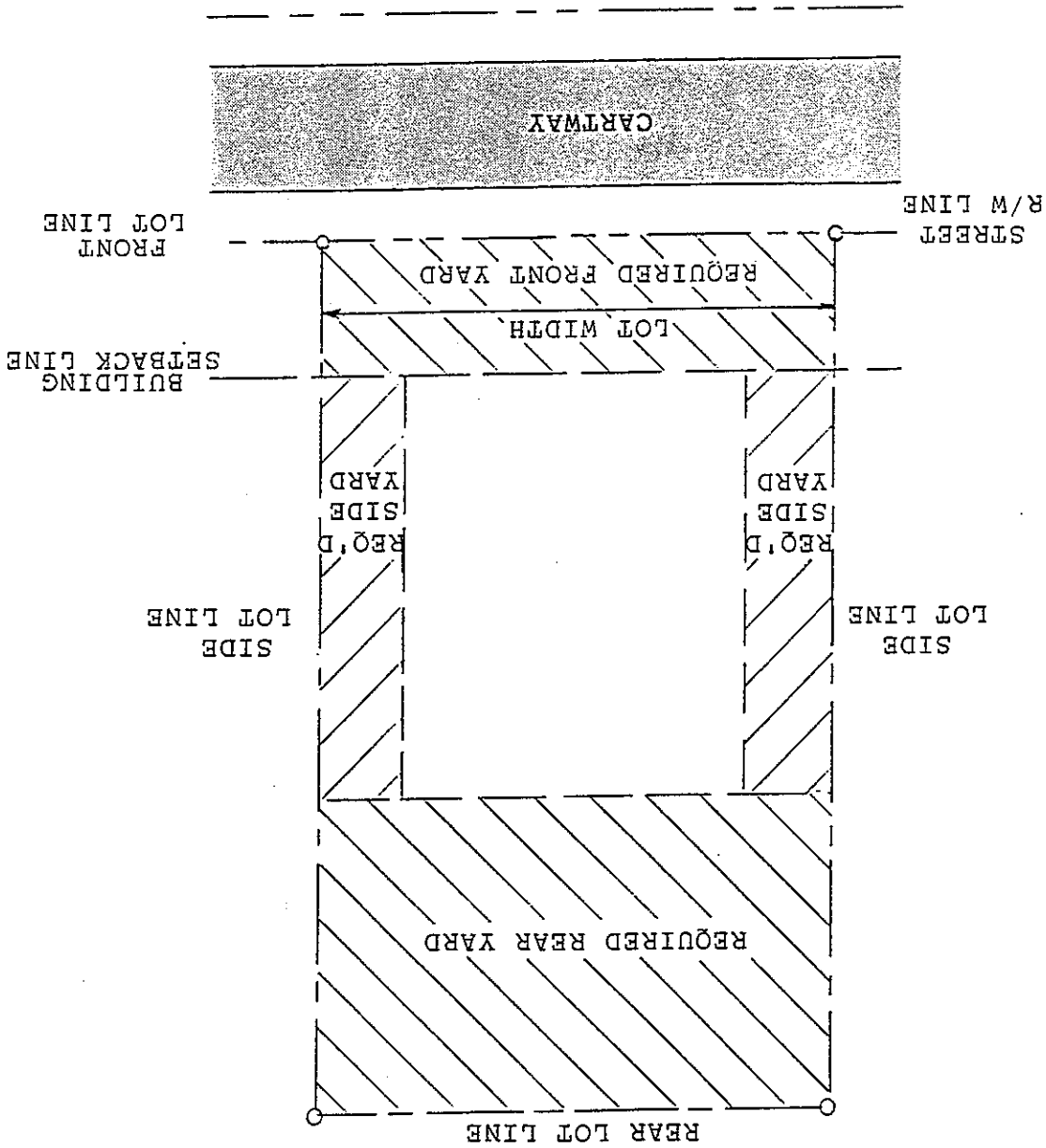
On-Lot Water Supply System: A water supply system which transmits water from a source on the lot to one (1) dwelling, principal use, or lot.

Community Water Supply System: A water supply system which transmits from a common source to more than one (1) dwelling, principal use, and/or lot within a single neighborhood.

Public or Municipal Water Supply System: A system of water collection, storage, transmission and delivery which is proposed to service a community, but not confined to a single neighborhood.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The three major characteristics of wetlands include vegetation, soil and hydrology.

LOT AND SETBACK
REQUIREMENTS



Woodland Extraction: The clear cutting of mature trees (6 inches or more in diameter) to provide an adequate area for development.

Yard: An open space on the same lot with a structure (or a group of structures) which lies between the structure (or a group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

Front Yard: A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley the front yard requirement shall apply fronting each public street.

Rear Yard: A yard extending the full width of the lot between a structure and a rear lot line.

Side Yard: A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

Zoning: Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land; and height, area, bulk, and use of buildings, and yard requirements; and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "enabling act".

Zoning Hearing Board: A board created by the governing body to hear matters as provided for in this ordinance.

Zoning Map: Amity Township Zoning Map.

Zoning Officer: The agent or official designated by the governing body to administer and enforce the zoning ordinance of the Township.

Zoning Ordinance: Amity Township Zoning Ordinance of 1968; as amended August , 1991.

ZONING MAP AND ZONING DISTRICTS

ARTICLE III

301 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into classes of zoning districts which shall be designated as follows:

RC	Rural Conservation District
LDR	Low Density Residential District
MDR	Medium Density Residential District
MHP	Mobile Home Park District
HC	Highway Commercial District
SCC	Shopping Center Commercial District
LI	Light Industrial District

302 OFFICIAL ZONING MAP

A. The boundaries of the zoning districts shall be as shown on the Zoning Map of Amity Township. The Zoning Map and all notations, references, and data illustrated thereon are hereby incorporated by reference into this Ordinance. The Official copy of the Zoning Map shall be labeled and identified by the signature of the chairman of the Board of Supervisors, attested by the Secretary of said Board, and bears the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map of the Township of Amity adopted by the Amity Township Board of Supervisors on August 1991 as part of the Amity Township Zoning Ordinance of 1991".

B. If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors. No changes of any nature shall be made in the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

C. The Official Zoning Map shall be located in a place designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water area in Amity Township regardless of unofficial copies which may have been made or published from time to time.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Board of Supervisors, attested by the Secretary of said Board, and bear the seal of the Township under the following words:

"This is to certify that this Official Zoning Map of the Township of Amity supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of Amity Township, Berks County, Pennsylvania".

E. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all applicable records pertaining to its adoption or amendment.

303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as indicated on the Official Zoning Map, the following rules provided within this section shall be applicable.

A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, lanes, alleys, railroad tracks, rivers or creeks, such center line shall be construed to be such boundaries.

B. Where district boundaries are indicated as approximately coinciding with lot lines or municipal boundary lines, such lines shall be construed to be such boundaries.

A. No building, structure, or land shall be used and erected, constructed, assembled, moved, enlarged, reconstructed, removed or structurally altered without the issuance of a Zoning and/or Building Permit by the Zoning Officer. No building, structure or land shall be occupied without the issuance of a Certificate of Use and Occupancy by the Zoning Officer.

The following standards indicated within this section shall be utilized for the generalized application of the district regulation in association with this Ordinance.

APPLICATION OF DISTRICT REGULATIONS

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F. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, at the election of the property owner, the regulations of either zoning district may be extended a distance of not more than fifty feet (50') beyond the district boundary line onto the remaining portion of the lot.

E. Where physical or cultural features existing on the ground are at a variance with those indicated on the Official Zoning Map, or in circumstances not covered within the context of this Section, the Zoning Hearing Board shall interpret the district boundaries.

D. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or highways, such district boundaries shall be construed as being perpendicular to the right-of-way lines.

C. Where district boundaries are indicated as being approximately parallel to the center or right-of-way lines of streets or highways, lanes, alleys, railroad tracks, rivers or creeks, such district boundaries shall be construed as being parallel to the center or right-of-way lines at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

B. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.

C. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.

D. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street, but does not have to be provided along the street line of each street on which the lot fronts.

E. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets, in the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts.

F. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirement of the applicable zoning district shall be used in establishing such building setback line.

ARTICLE IV

ZONING DISTRICT REGULATIONS

401 RC - RURAL CONSERVATION DISTRICT

401.1 Purpose

The purpose of the Rural Conservation District is to encourage woodland, agricultural and general open space conservation by preserving natural features and environmentally sensitive lands such as forests, water sheds, and water courses while perpetuating the rural atmosphere, open space and scenic landscape of the Township. A significant portion of the RC District is classified as having severe limitations to on-lot sewage disposal due to flooding, a high water table and/or steep slopes. Residential and conservation uses are encouraged provided that sufficient space is available for on-lot sewage disposal which will not create any menace to public health, and natural features are not unduly disturbed.

401.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Rural Conservation District, provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Municipal Use.

C. Single Family Detached Dwelling.

D. Woodland or game preserve, wildlife sanctuary or similar conservation use.

E. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

- The following uses are permitted when a Special Exception is granted by the Zoning Hearing Board subject to and in accordance with Article XI of this Ordinance.
- A. Public Cemetery.
 - B. Pet Cemetery.
 - C. Commercial campgrounds, subject to Section 930 of this Ordinance.
 - D. Public Utility Uses, subject to Section 929 of this Ordinance.
 - E. Recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and stables, golf courses (except driving ranges and miniature golf courses), swimming areas and pools, hiking trails, boating, fishing, camping, hunting, subject to Section 906 of this Ordinance.
 - F. Tourist, Bed and Breakfast, Rooming or Boarding House, subject to Section 934 of this Ordinance.
 - G. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

401.4 Uses Permitted by Special Exception

- The following uses are permitted when a Conditional Use is granted by the Board of Supervisors subject to and in accordance with Article XI of this Ordinance.
- A. Church or similar place of worship.
 - B. Home occupation, subject to Section 903 of this Ordinance.
 - C. Nursery/Greenhouse
 - D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
 - E. Intensive Agricultural Uses, subject to Section 905 of this Ordinance.

401.3 Uses Permitted by Conditional Use

401.5 Area, Yard and Height Regulations

Each of the following maximum and minimum dimensional requirements shall apply to each use in the Rural Conservation District, except as specifically provided for in this Ordinance:

Minimum Regulations

Lot Area	80,000 Sq. Ft.
Lot Width	200 Feet
Building Setback	50 Feet
Rear Yard	30 Feet
Side Yard	50 Feet
Total	25 Feet
One Side	

Maximum Regulations

Building Height	No Maximum
Farm Bldgs/Silos	35 Feet
Principal Bldgs.	12 Percent
Lot Coverage	30 Percent
Woodland Extraction	

401.6 Supplementary Regulations

All sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Rural Conservation District.

402.1 Purpose

The purpose of the Low Density Residential District is to encourage moderate residential development, to retain the rural and suburban characteristics of the Township, and to serve as a transition between areas of variable densities. A significant portion of the LDR District is classified as having slight to severe limitations to on-lot sewage disposal due to flooding and a high water table. Development of these areas will be further regulated by the Environmental Protection Overlay Districts created for these physical limitations.

402.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Low Density Residential District provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied:

A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Church or similar place of worship.

C. Municipal Use.

D. Single Family Detached Dwelling.

E. Public Utilities Uses, subject to Section 929 of this Ordinance.

F. Woodland or game preserve, wildlife sanctuary or similar conservation use.

G. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

402.3 Uses Permitted by Conditional Use

The following uses are permitted when a Conditional Use is granted by the Board of Supervisors subject to and in accordance with Article XI of this Ordinance.

A. Home occupation, subject to Section 903 of this Ordinance.

B. Nursery/Greenhouse

- use.
- E. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- 402.4 Uses Permitted by Special Exception**
- The following uses are permitted in the Low Density Residential District when a Special Exception is granted by the Zoning Hearing Board subject to and in accordance with Article XI of this Ordinance:
- A. Public Cemetery
- B. Commercial Campgrounds, subject to Section 930 of this Ordinance.
- C. Club or lodge for fraternal or social purposes provided that the primary activity of such use is not operated for business, and provided that the building and services shall be primarily for use of members and their guests.
- D. Fire Station
- E. Nursing home, retirement home or convalescent home.
- F. Recreational uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and stables, golf courses (except miniature golf courses), swimming areas and pools, hiking trails, boating, fishing, camping, hunting, subject to Section 906 of this Ordinance.
- G. State licensed nursery school, elementary school, middle school, junior high school, senior high school, or day care center.
- H. Tourist, Bed and Breakfast, Rooming or Boarding House, subject to Section 934 of this Ordinance.
- I. Intensive Agricultural Uses, subject to Section 905 of this Ordinance.
- J. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
- C. Cluster Development containing Single Family Detached Dwelling Units, subject to Article VI of this Ordinance.
- D. Planned Residential Development, subject to Article VII of this Ordinance.
- E. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

402.5 Area, Yard and Height Regulations

Each of the following minimum and maximum dimensional requirements shall apply to each use in the Low Density Residential District, except as specifically provided for in this Ordinance.

<u>Minimum Regulations</u>	<u>On-Lot Sewage & Water Facilities</u>		<u>Public or Community Sewage Facilities</u>		<u>Public or Community Sewage and Water Facilities</u>	
Lot Area	80,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.			
Lot Width	200 ft.	125 ft.	100 ft.			
Building Setback	50 ft.	40 ft.	40 ft.			
Rear Yard	30 ft.	20 ft.	20 ft.			
Side Yard						
Total	50 ft.	40 ft.	20 ft.			
Each Side	25 ft.	20 ft.	10 ft.			

Maximum Regulations

Building Height	35 ft.	35 ft.	35 ft.
Lot Coverage	20 percent	30 percent	40 percent
Woodland Extraction	30 percent	40 percent	

402.6 Supplementary Regulations

All Sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Low Density Residential District.

403 MDR - MEDIUM DENSITY RESIDENTIAL DISTRICT

403.1 Purpose

The purpose of the Medium Density Residential District is to maintain and promote residential growth in areas of the Township which have the potential for being serviced by public sewage and/or water facilities. The MDR District contains the least amount of physical limitations for development within the Township and is most suitable to accommodate highest permissible densities.

403.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Medium Density Residential District provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Municipal use.

C. Fire Station.

D. Public Utilities, subject to Section 929 of this Ordinance.

E. Single Family Detached Dwelling.

F. Woodland or game preserve, wildlife sanctuary or similar conservation use.

G. Accessory Uses and structures to the above permitted uses when on the same lot as the permitted use.

403.3 Uses Permitted by Conditional Use

The following uses are permitted when a Conditional Use is granted by the Board of Supervisors subject to and in accordance with Article XI of this Ordinance.

A. Church or similar place of worship.

B. Home occupation, subject to Section 903 of this Ordinance.

- C. Nursery/Greenhouse
- D. Cluster Development containing Single Family Detached Dwelling Units, subject to Article VI of this Ordinance.
- E. Planned Residential Development, subject to Article VII of this Ordinance.
- F. Semi-Detached Residential Developments, subject to Section 932 of this Ordinance.
- G. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

403.4 Use Permitted by Special Exception

The following uses are permitted when a Special Exception is granted by the Zoning Hearing Board to and in accordance with Article XI of this Ordinance:

A. Club or lodge for fraternal or social purposes provided that the primary activity of such use is not operated for business, and provided that the building and services shall be primarily for use of members and their guests.

B. Recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and stables, golf courses, (except miniature golf courses), swimming areas, and pools, hiking trails, boating, fishing, camping, hunting, subject to Section 906 of this Ordinance.

C. State licensed nursery school, elementary school, middle school, junior high school, senior high school, or day care center.

D. Multi-Family Residential Developments, subject to Section 931 of this Ordinance.

E. Two-Family Residential Developments, subject to Section 933 of this Ordinance.

F. Tourist, Bed and Breakfast, Rooming or Boarding House, subject to Section 934 of this Ordinance.

G. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

403.5 Area, Yard and Height Regulations

Each of the following minimum and maximum dimensional requirements shall apply to each use in the Medium Density Residential District except as specifically provided for in this Ordinance.

<u>Minimum Regulations</u>	<u>On-Lot Sewage & Water Facilities</u>	<u>Public or Community Sewage Facilities</u>	<u>Public or Community Sewage and Water Facilities</u>
Lot Area	80,000 sq. ft.	30,000 sq. ft.	12,000 sq. ft.
Lot Width	200 ft.	125 ft.	70 ft.
Building Setback	50 ft.	40 ft.	30 ft.
Rear Yard	30 ft.	20 ft.	20 ft.
Side Yard			
Total	50 ft.	40 ft.	20 ft.
Each Side	25 ft.	20 ft.	10 ft.

Maximum Regulations

Building Height	35 ft.	35 ft.	35 ft.
Lot Coverage	20 percent	30 percent	40 percent
Woodland Extraction	30 percent	40 percent	50 percent

403.6 Supplementary Regulations

All Sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Medium Density Residential District.

404.1 Purpose

The purpose of the Mobile Home Park District is to provide growth areas within the Township for Mobile Home Parks. These areas contain moderate limitations for development and have the potential for being serviced by public or community water and sewage facilities.

404.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Medium Density Residential District provided that the use, type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

A. Mobile Home Park, subject to Article VIII of this Ordinance.

B. Single Family Detached Dwelling, subject to the Area, Yard and Height regulations specified under the MDR Zoning District (Section 403.5).

C. Municipal Use

D. Public Utilities, subject to Section 929 of this Ordinance.

E. General Agricultural Uses, subject to Section 905 of this Ordinance.

F. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

404.3 Uses Permitted by Special Exception

The following uses are permitted when a Special Exception is granted by the Zoning Hearing Board to and in accordance with Article XI of this Ordinance:

A. Home occupation, subject to Section 903 of this Ordinance.

B. Semi-Detached Residential Developments, subject to Section 932 of this Ordinance.

C. Two-Family Residential Developments, subject to Section 933 of this Ordinance.

D. Accessory uses or structures to the above permitted uses when on the same lot as the permitted use.

404.4 Supplementary Regulations

All sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Rural Conservation District.

405 HC - HIGHWAY COMMERCIAL DISTRICT

405.1 Purpose

The purpose of the Highway Commercial District is to provide an area for a generalized variety of highway commercial land uses which service the basic needs of surrounding residential communities. The HC District is concentrated around existing commercial land uses that are located along arterial highways within the Township. Development which occurs shall be planned to accomplish safe development of highway frontage and to protect major highways as thoroughfares.

405.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Highway Commercial District, provided that the use, type, dimensional and all other applicable requirements of this Ordinance have been satisfied:

A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Banks, savings and loan associations, and finance companies.

C. Business, professional or government office or studio.

D. Church or similar place of worship

E. Funeral Home.

F. Home occupation, subject to Section 903 of this Ordinance.

G. Municipal Use.

H. Personal and household service establishments such as, but not limited to, barber shops, beauty shops, dry cleaning shops, laundromats, repair shops, seamstress and tailor shops.

I. Public Utilities, subject to Section 929 of this Ordinance.

J. Restaurants and similar types of eating establishments.

- The following uses are permitted in the Highway Commercial District when a special exception is granted by the Zoning Hearing Board to and in accordance with Article XI of this Ordinance:
- A. Automatic Car Wash
 - B. Automobile Sales
 - C. Automobile Service Station
 - D. Club or lodge for fraternal or social purposes provided that the primary activity of such use is not operated for business, and provided that the building and services shall be primarily for use of members and their guests.
 - E. Commercial campgrounds, subject to Section 930 of this Ordinance.
 - F. Fire Station.

405.4 Uses Permitted by Special Exception

- The following uses are permitted when a Conditional Use is granted by the Board of Supervisors subject to and in accordance with Article XI of this Ordinance.
- A. Adult Business Uses, subject to Section 937
 - B. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

405.3 Uses Permitted by Conditional Use

- The following uses are permitted when on the same lot as the permitted use.
- M. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
 - L. Single Family Detached Dwelling.
 - K. Retail business establishment such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstores), carpeting, clothing, dry goods, flowers, food, furniture, hardware, household supplies, jewelry, machinery, newspapers, office equipment, paint, periodicals, pharmaceuticals, sporting goods, stationary and tobacco.

- G. Hotel/Motel Accommodations
- H. Nursing home, retirement home or convalescent home
- I. Recreation uses, subject to Section 906 of this Ordinance.
- J. State licensed nursery school, elementary school, middle school, junior high school, senior high school or day care center
- K. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

405.5 Area, Yard and Height Regulations

Each of the following minimum and maximum requirements shall apply to each permitted use in the Highway Commercial District except as specifically provided for in this Ordinance.

Minimum Regulations	On-Lot Sewage & Water Facilities		Public or Community Sewage Facilities		Public or Community Sewage and Water Facilities	
Lot Area	80,000 sq. ft.		50,000 sq. ft.		30,000 sq. ft.	
Lot Width	200 ft.		150 ft.		120 ft.	
Building Setback	60 ft.		60 ft.		60 ft.	
Rear Yard	60 ft.		50 ft.		50 ft.	
Side Yard						
Total	60 ft.		60 ft.		30 ft.	
Each Yard	30 ft.		30 ft.		15 ft.	
Improvements Setback	20 ft.		20 ft.		10 ft.	
Buffer Yard (Depth)	10 ft.		10 ft.		10 ft.	

Maximum Regulations

Building Height	35 ft.	35 ft.	35 ft.
Lot Coverage	30 percent	30 percent	40 percent
Paved Area	40 percent	50 percent	60 percent

405.6 Land Development Plan

Prior to the issuance of a zoning and/or building permit for a non-residential land use that is permitted within the Highway Commercial District, the applicant shall submit a Land Development-Plan to the Planning Commission for review and comments. The Planning Commission shall review each Land Development Plan in accordance with all Township standards, guidelines and specification concerning Land Development before recommending a decision to the Board of Supervisors.

405.7 Supplementary Regulations

All Sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Highway Commercial District.

406.1 Purpose

The purpose of the Shopping Center District is to provide an area for small, unified commercial shopping centers which services and provides for the basic needs of the Township. The SCC District is concentrated around existing compatible commercial land uses that are located along arterial highways within the Township. Development which occurs shall be planned to accomplish safe development of highway frontage and to protect major highways as thoroughfares.

406.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Shopping Center District, provided that the use, type, dimensional and all other applicable requirements of this Ordinance have been satisfied:

A. All uses permitted by right in the Highway Commercial District, provided the use meets the area, yard and height requirements (Section 405.4) of the Highway Commercial District.

B. Shopping center, mall or plaza, mini-mall, subject to Section 938 of this Ordinance.

C. Indoor theater (except adult theaters) and place of amusement or recreation

D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

406.3 Uses Permitted by Special Exception

The following uses are permitted in the Shopping Center District when a special exception is granted by the Zoning Hearing Board to and in accordance with Article XI of this Ordinance:

A. All uses permitted by special exception (with the exception of adult business uses) in the Highway Commercial District.

B. Professional Office/Research Park, subject to Section 939 of this Ordinance.

C. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

406.4 Area, Yard and Height Regulations

Each of the following minimum and maximum dimensional requirements shall apply to each use in the Shopping Center Commercial District, except as specifically provided for in this Ordinance:

Minimum Regulations

Lot Area	3 Acres
Lot Width	250 Feet
Building Setback	80 Feet
Rear Yard	50 Feet
Side Yard	80 Feet
Total	40 Feet
One Side	30 Feet
Improvement Setback	20 Feet
Buffer Yard (Depth)	

Maximum Regulations

Building Height	35 Feet
Lot Coverage	40 Percent
Paved Area	60 Percent

406.5 Land Development Plan

Prior to the issuance of a zoning and/or building permit for a non-residential land use that is permitted within the Shopping Center Commercial District, the applicant shall submit a Land Development Plan to the Planning Commission for review and comment. The Planning Commission shall review each Land Development Plan in accordance with all Township standards and specifications concerning Land Development before recommending a decision to the Board of Supervisors.

406.6 Supplementary Regulations

All Sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Shopping Center Commercial District.

407.1 Purpose

The purpose of the Light Industrial District is to provide an area for a generalization of light industrial land uses which services and provides for the basic needs of the surrounding residential communities of the Township. The Light Industrial District is located and centralized in an area which will adequately accommodate industrial growth provided that each existing and proposed land use does not affect the public health, safety, and general welfare of the adjacent residential areas.

407.2 Uses Permitted by Right

The following principal uses and their accessory uses are permitted by right in the Light Industrial District, provided that the use, type, dimensional and all other applicable requirements of this Ordinance have been satisfied:

- A. General Agricultural Uses, subject to Section 905 of this Ordinance.
- B. Business, Professional or Government Office.
- C. Manufacturing activities such as but not limited to assembly, bottling, compounding, fabrication, packaging, processing, production and repair.
- D. Municipal Use.
- E. Printing, binding or publishing facilities.
- F. Public Utilities, subject to Section 929 of this Ordinance.
- G. Retail Business Establishment such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstores), carpeting, clothing, dry goods, flowers, food, furniture, hardware, household supplies, jewelry, newspapers, periodicals, pharmaceuticals, sporting goods, stationary and tobacco.
- H. Warehouse Facilities.
- I. Wholesale and Distribution Facilities.
- J. Accessory Uses and structures to the above permitted uses when on the same lot.

407.3 Uses Permitted by Conditional Use

The following uses are permitted when a Conditional Use is granted by the Board of Supervisors subject to and in accordance with Article XI of this Ordinance.

A. Industrial Park, subject to Section 940 of this Ordinance.

B. Professional Office/Research Park, subject to Section 939 of this Ordinance.

407.4 Uses Permitted by Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board to and in accordance with Article XI of this Ordinance:

A. Home Occupation, subject to Section 903 of this Ordinance.

B. Junk Yards, subject to Section 938 of this Ordinance.

C. Metal Processing Facilities.

D. Quarrying, mining or extracting operations, subject to Section 941 of this Ordinance.

E. Solid Waste Disposal Facilities, subject to Section 936 of this Ordinance.

F. Single Family Detached Dwelling.

G. Truck Distribution Center.

H. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

407.5 Area, Yard and Height Regulations

Each of the following minimum and maximum dimensional requirements shall apply to each use in the Light Industrial District, except as specifically provided for in this Ordinance:

Minimum Regulations

Lot Area	3 Acres
Lot Width	250 Feet
Building Setback	80 Feet
Rear Yard	50 Feet
Side Yard	80 Feet
Total	80 Feet
One Side	40 Feet
Improvement Setback	30 Feet
Buffer Yard (Depth)	20 Feet

Maximum Regulations

Building Height	35 Feet
Lot Coverage	40 Percent
Paved Area	60 Percent

407.6 Land Development Plan

Prior to the issuance of a zoning and/or building permit for a non-residential land use that is permitted within the Light Industrial District, the applicant shall submit a Land Development Plan to the Planning Commission for review and comment. The Planning Commission shall review each Land Development Plan in accordance with all Township standards and specifications concerning Land Development before recommending a decision to the Board of Supervisors.

407.7 Supplementary Regulations

All Sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for the Light Industrial District.

ARTICLE V

ENVIRONMENTAL PROTECTION OVERLAY DISTRICT REGULATIONS

501 STATEMENT OF INTENT

As established through the goals, objectives and policies of the Amity Township Comprehensive Plan, it is essential to acknowledge environmental protection and open space preservation. It is therefore an objective of this Ordinance to incorporate the "Environmental Protection Overlay Concept" to implement this goal.

The Environmental Protection Overlay Districts incorporated under this Article include provisions to supplement and enhance the existing underlying district regulations for land areas which may encounter certain physical limitations for development. To implement and achieve the goals and objectives established for preserving environmentally sensitive areas, the overlay concept has been divided into the following individual overlay districts:

Floodplain Overlay District
Hydric Soil Overlay District
High Water Table Overlay District
Steep Slope Overlay District

The Environmental Protection Overlay Districts are an overlay concept which supplements but does not replace the existing underlying zoning district regulations. In cases where Environmental Protection Overlay Districts overlap, the more restrictive standards and specifications shall apply.

502 FLOODPLAIN OVERLAY DISTRICT

502.1 Purpose

A. The 100-year Floodplain shall be an overlay to the existing underlying districts as illustrated on the Official Zoning Map. As such, these provisions regulating Floodplain management shall be a supplement to the underlying district provisions. Where conflicts arise between the provisions or regulations of this Ordinance, the more restrictive provisions shall apply.

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; reduce financial burdens imposed on the community and government; and to regulate all development within the 100-year floodplain.

C. No structure or use shall be located, relocated, reconstructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other possible ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

502.2 Designation of Floodplain Areas

A. The Floodplain Overlay District shall include areas subject to inundation by waters of the 100-year regulatory flood. The boundaries of the 100-year floodplain are depicted on the Flood Boundary and Floodway Map prepared by the Delaware River Basin Commission for the Federal Insurance Administration, and adopted by the Amity Township Board of Supervisors by Resolution No. 76-15 on January 18, 1977.

B. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions and flood height may be increased by man-made or natural causes. This Ordinance does not imply that areas outside the flood plain districts, or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Amity Township or any officer or employee thereof for any administrative decision lawfully made thereunder.

C. The delineation of the floodplain overlay district may be revised at any time by the Amity Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted by the Federal Emergency Management Agency, U.S. Army Corps of Engineers or other qualified agency documents the notification for such change. Any proposed changes to the defined boundaries shall be subject to the review and approval of the Federal Emergency Management Agency, Federal Insurance Administration and/or the Amity Township Board of Supervisors.

502.3 Uses Permitted by Right

The following uses and activities are permitted by right in the 100-Year Floodplain Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment: A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Accessory commercial and industrial uses, such as but not limited to, yard areas, previous parking and loading areas, previous airport landing strip, provided that such yards and areas shall not be utilized for on-lot sewage disposal systems.

C. Accessory residential uses, such as but not limited to, yard areas, gardens, previous play areas, and previous parking areas, provided that such yards and areas shall not be utilized for on-lot sewage disposal systems.

D. Public and private recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, golf courses, driving ranges, archery ranges, target ranges, horse riding trails, hiking trails, camping, boating, fishing and hunting subject to Section 906 of this Ordinance.

E. Woodland or game preserve, wildlife sanctuary or similar conservation use.

F. All uses and activities shall be in compliance with flood proofing provisions contained in this and all other applicable codes, ordinances and regulations.

502.4 Uses Permitted by Special Exception

The following uses are permitted within the 100-Year Floodplain Overlay District when a Special Exception is granted by the Zoning Hearing Board subject to and in accordance with Article XI of this Ordinance:

A. Public Facility and Utility Uses such as dams, culverts, bridges, railroads, and sewage treatment plants, outlet installations for sewage treatment plants or pumping stations, subject to Section 929 of this Ordinance.

- B. Water-related uses and activities such as marinas, docks, wharfs and piers.
- C. Extraction of sand, gravel, and other materials.
- D. Temporary uses such as circuses, carnival, and similar activities.
- E. Storage of material and equipment provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily moved from the area within the time available after flood warning.
- F. Accessory uses to the above permitted uses when on the same lot as the permitted use provided that the use is consistent with the standards and guidelines of this Section. All uses, activities and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained within all other applicable codes and ordinances.
- 502.5 Special Exception and Variance Requests**
- In passing upon applications for Special Exceptions and Variances the Zoning Hearing Board shall consider all relevant factors and procedures specified below:
- A. The danger to life and property due to increased flood heights and velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause an increase in flood levels during the 100-year flood.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.

- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing land uses and anticipated future land uses.
- I. The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for the area and the Township.
- J. The accessibility to the property in times of flooding and emergency.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. All other factors which are relevant to the purposes of this Ordinance.
- The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any application for a Special Exception or Variance to the Township Engineer or qualified agency for technical assistance.
- 502.6 Development Procedures**
- A. All uses, activities, and development occurring within the floodplain shall be undertaken in strict compliance with all pertinent provisions of this Ordinance, the Amity Township Building Code, the Amity Township Subdivision and Land Development Ordinance, and with all other codes and ordinances.
- B. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or other drainage facility or system.
- C. Prior to any proposed encroachment, alteration or relocation of any watercourse within the Township, a permit shall be obtained from the Pennsylvania Department of Environmental Resources. In addition, notification of the proposal shall be forwarded to all affected adjacent municipalities.

502.7 Boundary Disputes and Appeals Procedures

- A. In the case of any dispute concerning the boundaries of the 100-year floodplain, initial determination shall be made by the Zoning Officer utilizing the standards specified under this Section.
- B. Any person or party aggrieved by the decision of the Township Zoning Officer as to the boundaries of the floodplain districts on the grounds that the referenced map is incorrect, may appeal to the Zoning Hearing Board. The burden of proof shall be the obligation of the person or party appealing the decision of the Township Zoning Officer.
- C. Any boundary changes shall be validated through precise engineering studies conducted by a qualified agency. Any proposed changes to the defined boundaries shall be subject to the review and approval of the Federal Emergency Management Agency, Federal Insurance Administration and/or the Amity Township Board of Supervisors.

503 HYDRIC SOIL OVERLAY DISTRICT

503.1 Purpose

- A. The areas subject to hydric soils within the Township shall be an overlay to the existing underlying district as illustrated on the Official Zoning Map. As such, these provisions regulating hydric soils shall be a supplement to the underlying district provisions. Where conflicts arise between provisions or regulations of this Ordinance, the more restrictive provisions shall apply.
- B. The purpose of establishing provisions for areas which may encounter hydric soils is to promote and protect the general health, welfare and safety of the community; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and to minimize hazards to public health.

503.2 Designation of Hydric Soil Areas

A. The U.S. Department of Agriculture in cooperation with the National Technical Committee for Hydric Soils has defined a "hydric soil" as follows:

A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

B. The hydric soils which have been identified, described and delineated within Amity Township by the U.S. Department of Agriculture in conjunction with the Pennsylvania State University and Pennsylvania Department of Agriculture in the Soil Survey of Berks County include, but are not limited to the following:

Baile Silt	(Ba)
Baile Stony Silt	(Bd)
Bowmansville Silt	(Bo)
Burgin Silt	(Bu)
Croton Silt	(Cra)
Croton Silt	(Crb2)

C. It is the intention of this Ordinance, that in cases where the Hydric Soil Overlay District overlaps the Floodplain Overlay District, the policies, restrictions, guidelines and standards of the Floodplain Overlay District (Section 502) shall preside.

D. Development within areas with hydric soils will be subject to Section 942 (Wetlands) of this Ordinance.

503.3 Uses Permitted by Conditional Use

A. All uses permitted by right in the underlying Zoning District, provided an on-lot sewage disposal system is not located on soils that are considered hydric, alluvial or having a high water table. If permitted, the use shall comply with the area, yard and height regulations of the underlying Zoning District.

B. Public and private recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, golf courses, driving ranges, archery ranges, target ranges, horse riding trails, hiking trails, camping, boating, fishing and hunting subject to Section 906 of this Ordinance.

503.4 Boundary Disputes and Appeals Procedures

A. Should a dispute arise concerning the boundaries of those areas subject to hydric soil overlay controls, an initial determination of the boundaries shall be made by the Zoning Officer and/or Township Engineer utilizing the criteria listed under Section 503.2 (Designation of Hydric Soil Areas) of this Ordinance.

B. Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Ordinance.

C. The burden of proof shall be on the person appealing the decision of the Zoning Officer and/or Township Engineer.

D. If it is determined by the Zoning Hearing Board that the resources which have established the Hydric Soil Overlay District are inaccurate regarding the land in question, and that the area should not be subject to the hydric soil controls established under this Section, the Zoning Officer and/or the Township Engineer shall be notified in writing that the hydric soil controls will not apply to the land in question.

E. All boundary changes which are approved shall be made on the map of the areas subject to hydric soil controls which is prepared by the Board of Township Supervisors.

504 HIGH WATER TABLE OVERLAY DISTRICT

504.1 Purpose

A. The High Water Table District shall be an overlay to the existing underlying zoning district as illustrated on the Official Zoning Map. As such, these provisions regulating high water table management shall be a supplement to the underlying district provisions. Where conflicts arise between provisions or regulations of this Ordinance, the more restrictive provisions shall apply.

B. The purpose of establishing provisions for areas which may encounter a high water table is to promote and protect the general health, welfare and safety of the community; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and to minimize hazards to public health.

504.2 Designation of High Water Table Areas

A. The High Water Table Overlay District shall include all areas subject to inundation of soils which are characteristic and categorized as being Alluvial and/or as High Water Table Soils by the Soil Survey of Berks County, Pennsylvania prepared by the United States Department of Agriculture (Soil Conservation Service) in cooperation with the Pennsylvania State University and Pennsylvania Department of Agriculture.

B. Alluvial soils are defined as soils which have been formed in alluvium and deposited in the past by stream or flooding conditions. The presence of these soils is a reliable indication that heavy runoff conditions will probably create flooding in the future.

C. High water table soils are defined as surface soils which are within 3 feet of the seasonable high water table as described and identified by the United States Department of Agriculture in the Soil Survey of Berks County.

D. The alluvial and high water table soils which have been identified, described and delineated within Amity Township by the U.S. Department of Agriculture in conjunction with the Pennsylvania State University and Pennsylvania Department of Agriculture in the Soil Survey of Berks County include, but not limited to the following:

Atkins	Au
Balle *	Ba, Bd
Bowmansville *	Bo
Burgin *	Bu
Croton *	Cra, Crb2
Glenville	Gla, Glb2
Lehigh	Lha, Lhb2, Lhc3
Lindsde	Lt
Melvin	Ml
Philo	Ph, Pl
Raritan	Rab
Readington	Rea, Reb2
Reaville	Rla2, Rlb2
Rowland	Ro
Wiltshire	Wsa, Wsb2

* Denotes that the soils group is considered a hydric soil and is subject to the provisions identified under Sections 503 and 942.

The following uses are permitted in the High Water Table Overlay District when a Special Exception is granted by the Zoning Hearing Board subject to and in accordance with Article XI of this Ordinance:

504.4 Uses Permitted by Special Exception

- F. Accessory uses and structures to the above permitted uses and structures when on the same lot as the permitted use.
- E. Woodland or game preserve, wildlife sanctuary or similar conservation use.
- D. Single Family Detached Dwelling, provided an on-lot sewage disposal system is not located on soils that are considered hydric, alluvial or having a high water table. The proposed lot shall comply with the area, yard and height regulations of the underlying zoning district.
- C. Public and private recreation uses, including parks (except amusement parks), playgrounds, picnic grounds, golf courses, driving ranges, archery ranges, target ranges, horse riding trails, hiking trails, camping, boating, fishing and hunting subject to Section 906 of this Ordinance.
- B. Municipal use.
- A. General Agriculture Uses, subject to Section 905 of this Ordinance.

The following uses and activities are permitted by right in the High Water Table Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

504.3 Uses Permitted by Right

- E. It is the intention of this Ordinance, that in cases where the High Water Table Overlay District overlaps the Floodplain Overlay District (Section 502) and/or the Hydric Soil Overlay District (Section 503), the policies, guidelines and standards of the more restrictive District shall preside.

A. Church or similar place of worship, provided an on-lot sewage disposal system is not located on soils that are considered hydric, alluvial or having a high water table. The proposed lot shall comply with the area, yard and height regulations of the underlying zoning district.

B. Commercial and industrial uses, such as but not limited to, yard areas, previous parking and loading areas, previous airport landing strip provided that such yards are not for on-lot sewage disposal.

C. Public utility uses, subject to Section 929 of this Ordinance.

D. Accessory Uses and structures to the above permitted uses when on the same lot as the permitted use.

504.5 Boundary Disputes and Appeals Procedures

A. Should a dispute arise concerning the boundaries of those areas subject to high water table overlay controls, an initial determination of the boundaries shall be made by the Zoning Officer and/or Township Engineer utilizing the criteria listed under Section 504.2 (Designation of High Water Table Areas) of this Ordinance.

B. Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Ordinance.

C. The burden of proof shall be on the person appealing the decision of the Zoning Officer and/or Township Engineer.

D. If it is determined by the Zoning Hearing Board that the resources which have established the High Water Table Overlay District are inaccurate regarding the land in question, and that the area should not be subject to the high water table controls established under this Section, the Zoning Officer and/or the Township Engineer shall be notified in writing that high water table controls will not apply to the land in question and instructed to issue a permit to the applicant.

E. All boundary changes which are approved shall be made on the map of the areas subject to high water table controls which is prepared by the Board of Township Supervisors.

505 STEEP SLOPE OVERLAY DISTRICT

505.1 Purpose

A. The steep slope area shall be an overlay to the existing underlying district as illustrated on the Official Zoning Map. As such, these provisions regulating steep slope management shall be a supplement to the underlying district provisions. Where conflicts arise between provision or regulations of this Ordinance, the more restrictive provisions shall apply.

B. The purpose of establishing provision for area which may encounter steep slopes is to protect and prevent areas from increased erosion and runoff; secure environmentally sensitive lands; encourage the utilization of appropriate construction practices; and to minimize hazards to public health.

505.2 Designation of Steep Slope Areas

A. The Steep Slope Overlay District shall include all areas where the topography exceeds 25 percent in slope in pre-development conditions. The Township, through the collaboration, implementation and adoption of the Comprehensive Plan has conducted a Topographical Analysis of the Township. As part of this Topographical Analysis, a Slope Map was incorporated to illustrate and highlight relative areas with slopes less than 15 percent; between 15 and 25 percent; and greater than 25 percent.

B. It is the intention of this Ordinance, that in cases where the Steep Slope Overlay District overlaps the Floodplain Overlay District (Section 502), the Hydric Soil Overlay District (Section 503), and/or the High Water Table Overlay District, the policies, guidelines and standards of the more restrictive District shall preside.

505.3 Uses Permitted by Right

The following uses and activities are permitted by right in the Steep Slope Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

A. General Agricultural Uses, subject to Section 905 of this Ordinance.

B. Municipal Use.

A. The Zoning Officer will advise the applicant when his property or parcel lies within such a slope designation. The Zoning Officer will not issue a building permit until a plan is submitted indicating, to the satisfaction of the Township Engineer, that all potential problems of steep slopes have been resolved.

505.5 Development Procedures

D. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

C. Single Family Detached Dwelling, provided the applicant provides evidence that the construction methods to be utilized will overcome problems associated with stormwater management, erosion and sediment control, wastewater treatment and disposal, water supply, accessibility, and structural stability. The proposed lot shall comply with the area, yard and height regulations of the underlying zoning district.

B. Private and public recreation uses including horse riding trails, hiking trails, boating, fishing, camping, hunting subject to Section 906 of this Ordinance.

A. Public Utility Uses, subject to Section 929 of this Ordinance.

The following uses are permitted in the Steep Slope Overlay District when a Special Exception is granted by the Zoning Hearing Board subject to and in accordance with Article XI of this Ordinance:

505.4 Uses Permitted by Special Exception

D. Accessory uses and structures to the above permitted uses and structures when on the same lot as the permitted use provided that the accessory use is not constructed on slopes exceeding 25 percent in grade.

C. Woodland or hunting preserve, wildlife sanctuary, or other similar use when the uses are conducted in conformance with conservation practices that ensure adequate protection against soil erosion.

E. All boundary changes which are approved shall be made on the map of the areas subject to slope controls which is prepared by the Board of Township Supervisors.

D. If it is determined by the Zoning Hearing Board that the resources which have established the Steep Slope Overlay District are inaccurate regarding the land in question, and that the area should not be subject to the slope controls established under this Section, the Zoning Officer and/or the Township Engineer shall be notified in writing that the slope controls will not apply to the land in question and instructed to issue a permit to the applicant.

C. The burden of proof shall be on the person appealing the decision of the Zoning Officer and/or Township Engineer.

B. Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Ordinance.

A. Should a dispute arise concerning the boundaries of those areas subject to slope controls, an initial determination of the boundaries shall be made by the Zoning Officer and/or Township Engineer utilizing the criteria listed under Section 505.2 (Designation of Steep Slope Areas) of this Ordinance.

505.6 Boundary Disputes and Appeals Procedures

D. The Zoning Officer should maintain a map or overlay including areas of steep slopes.

C. Should the area designated as steep slopes be found to be inaccurate, based on a topographical survey prepared by a licensed surveyor or engineer, showing two (2') foot contour intervals, then the zoning requirements for such property shall be deemed to be the regulations of the underlying zoning district in which the property is located.

B. Plans shall show existing topography, proposed structure and building locations, streets and driveways, location and grade, site drainage, sanitary facilities, grading plan, re-vegetation or planting plan prepared by a registered architect, engineer, surveyor, or landscape architect. Plans shall demonstrate how the construction methods to be utilized will overcome problems associated with stormwater management, erosion and sediment control, wastewater treatment and disposal, water supply, accessibility, and structural stability.

- A. Cluster Developments containing single family dwelling units are permitted by conditional use in the Low Density Residential (LDR) and Medium Density Residential (MDR) Zoning Districts.
- B. The development shall contain a minimum contiguous land area of ten (10) acres.
- C. The development shall be serviced by public or community sewage disposal and water systems.
- D. A minimum of fifty (50) percent of the gross area of the development shall be set aside as common open space. No more than fifty (50) percent of the common open space shall be located on lands within the Environmental Protection Overlay District (Article V).

602.1 Eligibility

602 DEVELOPMENT AND DESIGN STANDARDS

- A. Provide an optional approach to community development with provisions to permit more efficient utilization of land and of community facilities and services.
- B. Encourage innovative single family residential land development that will conserve open space and environmental amenities.
- C. Protect environmentally sensitive areas from development pressures.
- The purpose of this article is to provide development and design standards for cluster developments containing single family detached dwelling units. It is the intent of these standards to:

601 STATEMENT OF INTENT

CLUSTER DEVELOPMENT REGULATIONS

ARTICLE VI

602.2 Density Specifications

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:

Zoning District	Maximum Density
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LDR	2.18 dwelling units/acre
MDR	3.63 dwelling units/acre

B. The area that is not utilized for development shall be set aside as common open space.

602.3 Comprehensive Planning Considerations

A. The development shall be designed with regard to the topographic and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and design of the development shall be considered by the developer.

B. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping of the development whenever possible and desirable. The finished topography of the site shall adequately facilitate the development without excessive earthmoving and neglect for the natural amenities.

C. The development shall provide a planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under Section 914 (Landscaping) of this Ordinance.

602.4 Area, Yard and Height Regulations

Each of the following maximum and minimum dimensional requirements shall apply to single family detached units within a Cluster Development, except as specifically provided for in this Ordinance:

- A. A minimum of fifty (50) percent of the gross area of the development shall be set aside as common open space. No more than fifty (50) percent of the common open space shall be located on lands within the Environmental Protection Overlay District (Article V).
- B. The common open space shall be planned and located as a contiguous accessible area within the development.
- C. The common open space shall not include areas that have been devoted to roads, utilities easements and/or stormwater management facilities.
- D. Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
- E. For all common open spaces, satisfactory written agreements approved by the Amity Township Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

603.1 Requirements and Specifications

603 OPEN SPACE STANDARDS

All sections under Article IX of this Ordinance shall apply as supplementary guidelines and specifications for Cluster Developments.

602.5 Supplementary Regulations

<u>Minimum Regulations</u>			<u>Maximum Regulations</u>		
Lot Area	8,000	Sq.Ft.	Lot Area	35	Feet
Lot Width	70	Feet	Building Height	25	Feet
Building Setback	40	Feet	Lot Coverage	40	Percent
Rear Yard	30	Feet	Woodland Extraction (Development)	25	Percent
Side Yard	20	Feet			
Total	10	Feet			
One Side	50	Percent			
Common Open Space (Development)	10	Feet			
Buffer Yard Depth (Development)	10	Feet			

603.2 Management and Maintenance

A. The developer of the Cluster Development shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

B. The developer of the Cluster Development shall have the following options for ownership, management and maintenance of the common open space:

Retain ownership and responsibility for the management and maintenance; or

Dedicate the land to a homeowners association which is comprised of all the residents of the Cluster Development; or

Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.

C. If the common open space is dedicated to a homeowners' association, the developer shall file with the Township a declaration of covenants and restrictions that will govern the association.

604 ADMINISTRATION AND REVIEW

Cluster Developments shall be planned, designed and constructed in accordance with all pertinent procedures, provisions, standards and specifications that are identified in the Amity Township Zoning Ordinance and Amity Township Subdivision and Land Development Ordinance.

The Township, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are enduring substantial and frequent modifications, and recognizing the applicability of the objectives specified under Articles VI and VII of Act 247, as amended (Pennsylvania Municipalities Planning Code), adopts this Article for the following purposes:

A. To provide an optional approach to community development with provisions to permit more efficient utilization of land and of public services;

B. To encourage innovations in development (residential and non-residential), so that the growing demand for housing and other development is adequately achieved by greater variety in type, design and layout of structures;

C. To conserve and efficiently utilize open space and environmental amenities;

D. To encourage flexible land development which will provide additional options towards the preservation of environmentally sensitive areas;

E. To encourage more efficient use of public facilities that are required in association with new development;

F. To permit a mixture of land uses (including non-residential development) which will provide even more flexibility for land development.

702 DEVELOPMENT STANDARDS

702.1 Eligibility

No application for Tentative Approval of a Planned Residential Development shall be considered for approval unless the following conditions are in compliance:

701 STATEMENT OF INTENT

PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

ARTICLE VII

A. Planned Residential Development is permitted as a Conditional Use within the LDR (Low Density Residential) or MDR (Medium Density Residential) Zoning Districts.

B. The Planned Residential Development shall consist of a minimum contiguous land area within each of the following zoning districts:

Zoning District		Minimum Area	
LDR	100 Acres	MDR	50 Acres

C. The land area under consideration should not include any portion of land located within existing rights-of-way and land that has been previously developed. The area shall not be considered contiguous if it is divided by an existing street exceeding sixty (60) feet in width of ultimate right-of-way.

D. The PRD shall be served by a public or community water supply system and sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and certified operational by the appropriate authorities before the occupancy permits are issued.

E. A minimum of thirty percent (30%) of the gross area of the PRD shall be set aside as common open space. The location, character, management and utilization of the common open space must comply with the specifications under Section 704 (Open Space Standards).

702.2 Permitted Uses

A. Residential dwelling units as single family detached, single family semi-detached, single family attached (townhouses) and apartments.

B. Non-residential uses of recreational, commercial, office and institutional character to the extent they are designed and intended primarily to serve the residents of the PRD. The commercial uses shall not exceed five percent (5%) of the gross area of the PRD and shall be located in an inconspicuous location.

702.3 Density Specifications

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

Zoning District	Maximum Density
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LDR	3.0 dwelling units/acre
MDR	4.0 dwelling units/acre

B. The PRD shall not exceed the net residential density for the following residential uses:

Dwelling Type	Maximum Design Density
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Single Family Detached	3 dwelling units/acre
Single Family Semi-Detached	4 dwelling units/acre
Townhouses	10 dwelling units/acre
Apartments	12 dwelling units/acre

C. The PRD shall comply with the following proportions for each residential use:

Dwelling Type	Percentage of Total Units
Single Family Detached	Minimum of 25%
Single Family Semi-Detached	Maximum of 30%
Townhouses	Maximum of 60%
Apartments	Maximum of 40%

703 DESIGN STANDARDS

703.1 Comprehensive Planning Considerations

A. The PRD shall be designed with regard to the topographic and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and design of the PRD shall be considered by the developer.

B. The intent of PRD is to encourage a higher quality of development and to take into consideration the overall appearance of all structures.

C. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable. The finished topography of the site shall adequately facilitate the PRD without excessive earthmoving and neglect for the natural amenities.

D. The PRD shall provide a planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under Section 914 (Landscaping) of this Ordinance.

703.2 Residential Site Design and Location

- A. All structures shall be designed with regard to topography and natural features of the site.
- B. The PRD should encourage architectural variations and interest in the layout and character of housing structures and setbacks.
- C. All buildings and structures shall be designed and located to enhance privacy and insure natural light for all principal rooms.

703.3 Area, Yard and Height Regulations

- A. Each of the following maximum and minimum dimensional requirements shall apply to the specified land use as indicated below, except as specifically provided in this Article or Ordinance.

Minimum Regulations		Single		Family		Semi-Det.		Townhouses		Apts.	
Lot Area	12,000 sq.ft.	8,000 sq.ft.*	20 ft.*	200 ft	70 ft	40 ft.	30 ft.	30 ft.	30 ft.	50 ft	70 ft
Lot Width	70 ft.	60 ft.*	20 ft.*	70 ft	40 ft.	30 ft.	30 ft.	30 ft.	30 ft.	70 ft	70 ft
Bldg. Setback	40 ft.	40 ft.	40 ft.	40 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	70 ft	70 ft
Rear Yard	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	70 ft	70 ft
Side Yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	50 ft	50 ft
Maximum Regulations		Single		Family		Semi-Det.		Townhouses		Apts.	
Building Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Lot Coverage	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
* Per Dwelling Unit		Single		Family		Semi-Det.		Townhouses		Apts.	

B. In addition to the area, yard and height regulations specified above, the following provisions will apply:

No structure shall be constructed within 50 ft. of the 100 year flood boundary, on soils that have been classified as hydric, alluvial and/or having a high water table, and slopes that exceed 25 percent.

No group of townhouses shall consist of more than seven (7) continuous attached buildings in a single building group and no more than twelve (12) dwelling units in an apartment building group.

All multi-family structures (townhouses and/or apartments) shall be located at a minimum of one hundred (100) feet from the property lines of the PRD and one hundred fifty (150) feet from the ultimate right-of-way of any arterial or collector streets.

The horizontal distance between groups of multi-family structures shall be a minimum of sixty (60) feet between the closest structural points.

Apartment units shall not exceed one hundred fifty (150) feet in length.

C. Residential development is subject to all relevant design standards and improvement specifications defined in the Township Zoning and/or Subdivision and Land Development Ordinances.

703.4 Non-Residential Site Design and Location

A. Non-residential development in the PRD shall be limited to neighborhood retail and service facilities, churches, community activity centers, banks, saving and loan associations, recreational facilities and health clubs. Non-residential uses of commercial, office or institutional nature shall be designed and intended primarily for the residents of the PRD.

B. The non-residential uses shall not exceed five percent (5%) of the gross area of the PRD.

C. The location of non-residential uses shall be situated on a collector street and shall minimize traffic congestion.

D. The design and architectural characteristics shall be harmonious with the integrity and values of the adjoining residential areas. All non-residential uses shall be adequately screened.

E. The inclusion, proportion and location of non-residential uses shall require approval of the Planning Commission and Board of Supervisors.

F. Non-residential development is subject to comply with all relevant design standards and improvement specifications defined in the Township Zoning and/or Subdivision Ordinance.

703.5 Street Design Standards

A. The street system shall be designed to relate with the proposed land uses and existing adjacent streets, and to minimize through traffic in the residential areas.

B. The PRD shall provide a system of collector and minor streets that will provide a safe and efficient measure of ingress and egress.

C. Points of ingress and egress should be designed and located to prevent traffic hazards and/or congestion.

D. The street system shall be designed to create a separation for automobile and pedestrian traffic. The location of all residential, commercial, recreational and open space should be analyzed to provide a safe circulation pattern.

E. All means of ingress and/or egress from a PRD to any public street or state highway shall be located at an intersection or at least five hundred (500) feet from any intersecting street(s) and shall be designed to conduct traffic circulation in a safe and efficient manner, except where existing conditions make this requirement impractical and where the applicant can demonstrate that a deviation from this standard is safe. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Municipality.

F. In addition to the above specifications, the PRD should comply with all technical requirements for streets, conforming to the policies of the Amity Township Subdivision and Zoning Ordinances. This includes all specifications and requirements for street widths, grades, horizontal curves, vertical curves, intersections, sight distances, access restrictions, cul-de-sacs, names of streets and construction materials.

G. The Board of Supervisors, or Planning Commission, if designated, may request the developer (depending on size, location and magnitude of the PRD) to perform a traffic study to analyze the traffic circulation patterns and volumes at pre and post development conditions.

H. All streets located within the PRD shall be offered for dedication to the Township by the developer.

703.6 Parking Design and Loading Area Requirements

A. There shall be two (2) off street parking spaces measuring ten (10) feet by twenty (20) feet for each dwelling unit with aisles a minimum of twenty (20) feet wide.

B. There shall be one (1) off street parking space measuring ten (10) by twenty (20) feet for each one hundred (100) square feet, or portion thereof, of commercial floor area devoted to patron use with the requirements specified generally for parking areas herein.

C. Parking areas shall be arranged to prevent through traffic to other parking areas.

D. Parking areas shall be screened from adjacent structures, access road and/or traffic arteries. The developer shall utilize landscaping (Section 914), earth berms (not to exceed 6 feet in height and/or decorative walls (not exceeding 6 feet in height).

E. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.

F. No more than fifty (50) parking spaces shall be accommodated in any single parking area.

G. All off-street parking shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences, or use approved non-glare fixtures.

H. All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

I. Every building or structure used for commercial purposes shall provide one (1) off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional 40,000 square feet of gross floor area.

J. An off-street truck loading space shall have a minimum of twelve (12) feet in width, a minimum of fifty (50) feet in length and a minimum clear height of fourteen (14) feet.

K. All parking areas shall be a minimum of twenty (20) feet from all structures, access roads, and traffic arteries.

K. In addition to the above specifications, the PRD shall comply with all other specifications under Sections 923 (Off-Street Loading Areas) and 924 (Off-Street Parking) of this Ordinance. All off-street parking and loading areas shall not be construed as part of the common open space.

A. All streets, parking areas, buildings, and areas of high pedestrian use shall be adequately lighted. This schematic lighting plan should not irritate, distract and/or inconvenience the PRD residents or adjacent property owners.

B. Outdoor signs shall be designed to be harmonious with the characteristics of the PRD. The character, size and shape of all outdoor signs shall be reviewed by the Board of Supervisors, or Planning Commission, if designated, at time of request for Final Approval, which reserves the rights to reject any or all outdoor signs.

703.7 Street Lighting and Sign Standards

C. All street lighting, signs and furniture shall be designed and located so they do not interfere with the character and integrity of the PRD.

D. In addition to the above specifications, the PRD should comply with all other specifications for street lighting, signs and furniture in the Amity Township Zoning and Subdivision Ordinances.

703.8 Sanitary Sewage Disposal

A. The PRD will be served by public or community sewage disposal system.

B. The sanitary sewage system shall be designed and constructed in accordance with all Pennsylvania Department of Environmental Resources guidelines and standards that govern sewage disposal.

C. All residential and non-residential buildings shall be serviced by the public or community sewage disposal system.

D. All preliminary planning and engineering of the proposed sewage system shall be submitted with the Tentative Development Plan.

E. The Pennsylvania Department of Environmental Resources shall approve the planning and engineering for all sewage disposal facilities and techniques. This approval shall be submitted with the Final Plan.

F. The sewage disposal system shall be certified operational by the Pennsylvania Department of Environmental Resources and all other authorities before building permits are issued.

G. Suitable agreements shall be established for the operation and maintenance of all sewage disposal components.

703.9 Water Supply

A. The PRD will be serviced by a public or a community water system. Where accessible, public water will be the primary source of supply and community water will be an alternative to inaccessible public water supplies.

B. All residential and non-residential buildings shall be serviced by public or community water.

C. All preliminary planning and engineering for the proposed water supply system shall be submitted with the Tentative Development Plan.

D. The Pennsylvania Department of Environmental Resources shall approve the planning and engineering for the water supply system. This approval shall be submitted with the Final Plan.

E. The water supply system shall provide a satisfactory supply of water to each unit, with adequate main sizes, water supply, and pressure that will meet the specifications of the Municipality.

F. The developer of the PRD will substantiate that the water supply system will provide adequate fire protection.

G. The water supply system shall be certified operational by the Pennsylvania Department of Environmental Resources before occupancy permits are issued.

H. Suitable agreements shall be established for the operation and maintenance of all water supply components.

703.10 Solid Waste Management

A. Exterior storage areas for refuse stations shall be properly screened. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste.

B. The PRD shall have a plan for the storage and removal of solid waste. This plan shall be in accordance with all applicable Municipal Ordinances.

703.11 Storm Water Management

A. The PRD shall have a plan for storm water management. This storm water management plan shall be submitted with the Tentative Plan.

B. All storm run-off and drainage systems shall be designed and installed in accordance with the Storm Water Management Regulations specified by the Amity Township Subdivision and Land Development Ordinance.

703.12 Erosion and Sediment Control

A. The PRD shall have a plan for erosion and sediment control. All plans shall comply with the rules, regulations and guidelines as set forth by the Pennsylvania Department of Environmental Resources in Title 25, Chapter 102.

B. The erosion and sediment control plans shall be approved by the Pennsylvania Department of Environmental Resources and/or the County Conservation District.

703.13 Landscaping and Tree Conservation

A. Landscaping shall be regarded as an essential feature of every PRD in order to enhance the appearance and marketability of housing, for screening purposes, and for erosion and sediment control.

B. All parking areas (interior and periphery) shall be adequately landscaped in accordance with Section 914 of this Ordinance.

C. Conservation of existing trees is encouraged. The developer should attempt to preserve the existing trees and incorporate them into the overall concept of the PRD.

D. In addition to the above specifications, the PRD shall comply with all specifications under Section 914 (Landscaping) of this Ordinance.

E. A generalized landscaping plan shall be required and submitted with the Tentative Development Plan. A detailed landscaping plan, illustrating the spacing, sizes, and specific types of landscaping material is required with the Final Development Plan.

703.14 Natural Amenities and Environmental Considerations

A. The PRD shall be designed to be congenial with all natural and physical characteristics of the site. All natural features (waterways, topography and vegetation) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable.

- B. No structure shall be constructed within fifty (50) feet of the 100 year flood boundary; on soils that have been classified as hydric, alluvial and/or having a seasonable high water table; and on slopes exceeding 25 percent in grade (pre-development conditions). These areas have been classified, categorized and identified under Article V (Environmental Protection Overlay District Regulations) of this Ordinance.
- C. The developer of the PRD shall be obligated to conduct the following analysis:
- Topographical Analysis - Identify slope areas over twenty-five (25) percent in pre-development conditions.
- Soil Analysis - Identify soils that are alluvial, hydric (high water table), unsuitable for development, susceptible to erosion, and/or are associated with aquifer recharge.
- Hydrological Analysis - Identify the 100 year flood boundary, wetlands, bodies of waters, (streams, rivers, lakes) and all natural drainage patterns.
- Geological Analysis - Identify sinkholes, karst formations, outcroppings, shallow bedrock areas and/or aquifer recharge zones.
- Geotechnical Analysis - Determine through core boring samples the structural stability for development.
- Foliage Analysis - Identify and determine the characteristics, aggregate and type of woodland and meadowland areas at pre and post development conditions.
- D. The Board of Supervisors, or Planning Commission, if designated, shall have the right to waive, add to, or modify any of the above specifications and requirements when the applicant can demonstrate that the modifications are not applicable and will not be detrimental to the PRD.
- E. Significant natural features shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.

- A. A minimum of thirty percent (30%) of the gross area of the PRD shall be set aside as common open space. No more than fifty (50) percent of the common open space shall be located on lands within the Environmental Protection Overlay District (Article V).
- B. The common open space shall be planned as a contiguous area located for maximum benefit for all residents of the PRD.
- C. Significant natural features (Section 703.14) shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.
- D. A minimum of forty percent (40%) of the common open space shall be utilized for the development of active recreation facilities and shall meet the approval of the Board of Supervisors, or Planning Commission, if designated. The utilization of the common open space shall correspond to size and character of the PRD.
- E. In addition to the above specifications, the PRD shall comply with Section 906 (Recreational Use Regulations) and Section 705 (Improvement Specifications).

704.1 Requirements and Specifications

704 OPEN SPACE STANDARDS

- A. The PRD shall be designed to provide curbs and sidewalks throughout the proposed development. The Tentative Plan shall depict the precise locations for all curbs and sidewalks that are proposed throughout the PRD.
- B. All proposed curbs and sidewalks within the PRD shall be designed in accordance with the standards and specifications of the Amity Township Subdivision and Land Development Ordinance.

703.15 Curbs and Sidewalks

- F. In addition to the above specifications and requirements, the PRD shall comply with all specifications under Article V (Environmental Protection Overlay District Regulations) of this Ordinance.

704.2 Management and Maintenance

- A. The developer of the PRD shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.
- B. The developer of the PRD shall have the following options for ownership, management and maintenance of the common open space:
- Retain ownership and responsibility for the management and maintenance; or
- Dedicate the land to a homeowners association which is comprised of all the residents of the PRD; or
- Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.
- C. If the common open space is dedicated to a homeowners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the Tentative Development Plan. The provisions shall include, but not be limited to, the following:
- The homeowners' association must be established before any lots or units are sold.
- Membership shall be mandatory for each home buyer and any successive buyer.
- The open space restrictions must be permanent.
- The association shall be responsible for the liability insurance, taxes, and the maintenance of the open space and recreational facility.
- The association shall employ an adequate staff to manage and maintain the common open space.
- The homeowners' shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.

The association shall adjust the assessment to comply with additional and/or modified demands.

The Municipality may supervise the operation management and maintenance of the common open space.

D. The common open space that is not dedicated to the Township shall be guaranteed by a restrictive covenant describing the open space and its operation and maintenance shall be for the enjoyment (passive or active) of the PRD residents and/or adjacent property owners. The developer shall file an agreement stipulating restrictions for the utilization of the common open space with the Final Development Plan.

E. The Municipality may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Municipality need not require, as a condition of the approval of the PRD, that land proposed to be set aside for common open space be dedicated or made available to public use. The provisions may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space, and that such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the public.

F. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Municipality may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof.

- G. If the deficiencies set forth in the original are shall not corrected within said 30 days or any extension thereof, the Municipality, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Municipality shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
- H. Before the expiration of said year, the Municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD shall show cause why such maintenance by the Municipality shall not, at the option of the Municipality, continue for the succeeding year. If the Board of Supervisors, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in a reasonable condition, the Municipality shall cease to maintain said common open space at the end of the said year. If the Board of Supervisors or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- I. The decision of the Board of Supervisors or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitations, as is provided for zoning appeals by the Act, as amended.
- J. The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Municipality at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the Office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

705 IMPROVEMENT SPECIFICATIONS**705.1 General Requirements**

A. Physical improvements of the proposed PRD shall be provided, constructed and installed as shown on the Final Development Plan. The improvements shall comply with all specifications regarding Contracts and Improvements Guarantees of the Amity Township Subdivision Ordinance.

B. All applicable municipal Ordinances and/or Regulations that pertain to improvements shall be enforced.

706 APPLICATION, SUBMISSION AND REVIEW PROCEDURES**706.1 Pre-Application Conference**

A. The applicant shall convene informally with the Board of Supervisors, or Planning Commission, if designated at a regularly scheduled meeting.

B. The applicant shall verbally expound all intentions for PRD.

C. The Board of Supervisors, or Planning Commission, if designated, shall apprise the applicant of local and municipal and state ordinances, laws, procedures, fees and regulations that are applicable to PRD.

706.2 Application for Tentative Approval

A. The applicant shall furnish documentation depicting compliance with all standards and criteria for PRD in Sections 702, 703, 704 and 705.

B. An application for Tentative Approval of the Development Plan for a PRD shall be filed by or on behalf of the landowner.

C. The application for Tentative Approval shall be filed by the landowners in such form, upon the payment of such a reasonable fee and with such officials of the Municipality as shall be designated in the provisions adopted pursuant to this Section.

D. All planning, zoning and subdivision matters relating to the planning, use and development of the PRD and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Municipality, shall be determined and established by the Board of Supervisors, or the Planning Commission, if designated.

E. The provisions shall require only such information in the application as is reasonably necessary to disclose to the Board of Supervisors, or the Planning Commission, if designated:

The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

The density of land use to be allocated to parts of the site to be developed;

The location and size of the common open space and the form of organization proposed to own and maintain the common open space;

The use and the approximate height, bulk and location of buildings and other structures;

The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;

The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;

The provisions for parking of vehicles and the location and width of proposed streets and public ways;

The required modifications in the municipal land use regulations otherwise applicable to the subject property;

The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and

In the cases of Development Plans which call for development over a period of years, a schedule showing the proposed times within which applications for final Approval of all sections of the PRD are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

F. The application for Tentative Approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Municipality.

G. The application for and Tentative and Final Approval of a Development Plan for a PRD prescribed in this Section shall be in lieu of all other procedures or approvals, otherwise required pursuant to the Amity Township Subdivision and Zoning Ordinance.

706.3 Public Hearing

A. Within sixty (60) days after the filing of an application for Tentative Approval of a PRD pursuant to Section 706.2, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors, or the Planning Commission, if designated, in the manner prescribed in Article XI of this Ordinance.

B. The Board of Supervisors, or the Planning Commission, if designated, may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

C. The Municipality may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Article prior to final Approval by the Board of Supervisors. In exercising such an option, the Municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article XI of the Amity Township Zoning Ordinance.

706.4 The Findings

A. The Board of Supervisors, or Planning Commission, if designated, within sixty (60) days following the conclusions of the public hearing provided for in this Ordinance, shall, by official written communication, to the landowners, either:

Grant Tentative Approval of the Development Plan as submitted;

Grant Tentative Approval subject to specified conditions not included in the Development Plan as submitted; or

Deny Tentative Approval to the Development Plan.

B. Failure to so act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowners may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such agency of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event the landowner does not notify the Board of Supervisors within said period, Tentative Approval of the Development Plan, with all conditions, shall stand as granted.

C. The grant or denial of Tentative Approval shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, and shall set forth particularly in what respects the Development Plan would or would not be in the public interest; including but not limited to, findings of facts and conclusions on those matters as required in the Act, as amended. A copy of the written resolution shall accompany the official written communications to the landowner as provided under this Section.

706.5 Status after Tentative Approval

Where Tentative Approval has been granted, the same shall be noted on the Township Zoning Map and the Development Plan shall have the status established by and be subject to the provisions of Section 710 of the Act, as amended.

706.6 Application for Final Approval

A. An application for Final Approval may be for all the land included in a Development Plan or, to the extent set forth in the Tentative Approval, for a section thereof. Said application shall be made to the Municipality within the time or times specified by the official written communication granting Tentative Approval. The application shall include any drawings, specifications, covenants, easements, performance bond or such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of Tentative Approval. A public hearing on an application for Final Approval of the Development Plan, or part thereof, shall not be required provided the Development Plan, or the part thereof, submitted for Final Approval, is in compliance with the Development Plan theretofore given Tentative Approval and with any specified conditions attached thereto.

B. In the event the application for Final Approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of Tentative Approval, the Municipality shall grant such Final Approval to the PRD, as required by the Act, as amended.

C. In the event the Development Plan as submitted contains variations from the Development Plan given Tentative Approval, the Governing Body may refuse to grant Final Approval and shall, within the time frame specified by the Act, as amended, so advise the landowner in writing of said refusal setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

Refile his application for Final Approval without the variations objected to; or

File a written request with the approving body that it hold a public hearing on his application for Final Approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for Final Approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this article for public hearings on applications for Tentative Approval. Within 30 days after the conclusion of the hearing, the approving body shall by official written communication either grant Final Approval to the Development Plan or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases arising under this section, be in the form and contain the findings required for an application for Tentative Approval set forth in this Ordinance.

D. A Development Plan, or any part thereof, which has been given Final Approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the Office of the Recorder of Deeds before the development shall take place in accordance therewith. Upon the filing of record of the Development Plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions specified, of said PRD or of that part thereof, as the case may be, that has been Finally Approved, no modification of the provisions of said Development Plan, or part thereof, as Finally Approved, shall be made except with the consent of the landowner. Upon approval of a Final Plan, the developer shall record the plan and post financial security (Contracts and Agreements) in accordance with the Amity Township Subdivision Ordinance.

E. In the event that a Development Plan, or a section thereof, is given Final Approval and thereafter the landowner shall abandon such plan or the section thereof that has been Finally Approved, and shall not notify the approving body in writing; or, in the event the landowner shall fail to commence and carry out the PRD in accordance with the time provisions specified (after Final Approval has been granted), no development or further development shall take place on the property included in the Development Plan until after the said property is reclassified by enactment of an amendment to the Municipal Zoning Ordinance in the manner prescribed for such amendments.

ADMINISTRATION AND REVIEW

707

A. Issuance of permits and all matters pertaining to administration of the plan as Finally Approved shall be the responsibility of the Township Zoning Officer.

B. Upon application of the landowner showing compliance with the requirements of Final Approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.

C. The provisions of Article XI (Administration and Enforcement) of the Amity Township Zoning Ordinance shall be fully applicable to the plan as Finally Approved insofar as the provisions thereof are consistent with the provisions of this Article and the conditions of Final Approval. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports thereon to the Board in order to assure compliance with the provisions of this Article and the conditions of Final Approval.

D. A PRD shall be designed in accordance with the Design Standards and Regulations of Article VII and the Amity Township Subdivision Ordinance unless a waiver is granted or there is a conflict between them. In the case of a conflict Article VII of the Amity Township Zoning Ordinance shall govern.

E. Any person, partnership or corporation, who or which has violated the PRD provisions and specifications under Article VII of this Ordinance shall be subject to all enforcement remedies in accordance with the Act, as amended.

D. A minimum of 10 percent of the net area of the mobile home park shall be set aside as common open space. The location, character, management and utilization of the common open space shall comply with all applicable specifications concerning open space.

C. The mobile home park shall be served by a public or community water supply system and sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and certified operational by the appropriate authorities before the occupancy permits are issued.

B. The mobile home park shall consist of a minimum contiguous land area of 10 acres. The land area under consideration should not include any portion of land located within the street right-of-way and land that has been previously developed. The area shall be considered contiguous if it is divided by an existing street not exceeding 60 feet in ultimate right-of-way.

A. Mobile Home Parks are permitted by right in the Mobile Home Park "MHP" Zoning District.

802.1 ELIGIBILITY

802 DEVELOPMENT AND DESIGN STANDARDS

C. To provide design and development standards in order to protect the health, safety and general welfare of the persons residing within, or adjacent to, mobile home parks.

B. To provide areas of the Township which permit mobile homes, mobile home lots and/or mobile home parks.

A. To provide an optional economic approach to community development with provisions to permit more efficient utilization of land and of public services;

The Township, being confronted with increasing urbanization adopts this Article for the following purposes:

801 STATEMENT OF INTENT

MOBILE HOME PARK REGULATIONS

ARTICLE VIII

802.2 Design Standards

A. The mobile home park shall be designed with regard to the topographic and natural features of the site. All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping whenever possible and desirable. The finished topography shall adequately facilitate the mobile home park without excessive earthmoving and neglect for the natural amenities.

B. The mobile home park shall not exceed 4 dwelling units per gross acre.

C. The following maximum and minimum dimensional requirements shall apply to the mobile home parks and to the type of mobile home.

Minimum Regulations		Single Units (> 61')		Wide Units (> 61')		Double Units	
Lot Area	5,000 sq.ft.	5,500 sq.ft.	10,000 sq.ft.	Lot Width	Bldg. Setback	Interior Sts. *	Exterior Sts.
Rear Yard	15 ft.	15 ft.	15 ft.	20 ft.	20 ft.	100 ft.	100 ft.
Side Yard (ea.)	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.	15 ft.	15 ft.
Regulations							
Lot Coverage	30%	30%	30%	Lot Coverage	30%	30%	30%
Woodland Extraction	60%	60%	60%	Woodland Extraction	60%	60%	60%

* Denotes that the design standards and specifications of Section 924 (Off Street Parking) of this Ordinance will apply to the 20 foot building setback if it is to be used for vehicular parking purposes.

D. In addition to the Bulk Regulations listed above, the following provisions shall apply:

No mobile home, accessory structure, nor common open space shall be located closer than 100 feet to the ultimate right-of-way of abutting public streets and 50 feet to the rear or side property lines;

No structure shall be constructed on or within 50 feet of any of the Environmental Protection Overlay Districts identified under Article V of this Ordinance.

No more than one (1) mobile home shall be placed on a mobile home lot, and such mobile home shall be occupied by not more than a single family.

802.3 Development Standards

A. The mobile home park shall provide an evergreen planting screen along the property line at the periphery of the development to protect the privacy of adjacent residents.

B. No part of a mobile home park shall be used for non-residential purposes, except common open space shall be used for the pleasure and recreation of the park residents, an office may be used for the park management, necessary utility structures, common laundry facilities, and necessary buildings for the storage of maintenance equipment.

C. There shall be at least one (1) street in the park which is circumferential and from which lesser streets shall turn out so as to provide direct access to each lot and to each common open space of the tract. All streets shall be designed and constructed to all applicable Township specifications.

D. All entrances shall conform to the standards of the Pennsylvania Department of Transportation and when the entrance is from a State road, shall be approved by them. When the entrance is from a Township road, it shall be approved by the Township Engineer. The entrances shall take into account the traffic on the public street and that to be generated by the park residents. Acceleration and deceleration lanes may be required as well as two (2) lane entrances and two (2) lane exits.

E. A minimum of two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided for each mobile home lot. No on street parking shall be permitted within the park.

- F. Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation wall and/or footing that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with utility connections. For reasons of safety, the space between the mobile home stand and mobile home floor shall be permanently enclosed to prevent unauthorized entry and to conceal all supports and utility connections. Each stand shall be located at such elevation, distance and angle in relation to the access street and mobile home accessory that the placement and removal of the mobile home is practical.
- G. The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
- H. Every mobile home and open space areas shall have access to an improved street in the mobile home park in accordance with the Township Subdivision and Land Development Ordinance.
- I. Developers of mobile home parks will be required to comply with applicable parts of the Subdivision and Land Development Ordinance and the Building Code of Amity Township, except as follows. No mobile home shall be permitted in the mobile home park which fails to meet the standards of the Building Code of Amity Township and which does not bear the seal of the Department of Housing and Urban Development (HUD). In case regulations herein described conflict with those of the Building Code of Amity Township, these regulations shall govern.
- J. The mobile home park shall have a central water supply and distribution system. The system shall conform with the "Standards for Mobile Home Parks" publication of the National Fire Protection Association (NFPA), and any other applicable codes adopted by the Township. The water system shall provide for fire protection in mobile home parks of over twenty-five (25) units.
- K. Mobile home parks may be used only where municipally or community operated sewer and water services are available. Individual lateral connections to the street sewer and to the mobile home shall conform to applicable Township and state regulations.

- L. The electrical distribution system shall be underground and shall conform to the National Fire Protection Association (NFPA) standards for Mobile Home Parks and any other applicable codes. Each mobile home shall have not less than one hundred (100) amp service.
- M. If the mobile home park is to have gas service to the homes, the same shall have to conform to applicable NFPA regulations and any other applicable codes.
- N. All streets in the park shall be illuminated at a minimum level of 0.6 foot candles, service to light standards shall be underground.
- O. Telephone lines shall be underground. There shall be a central television antenna system with underground service to each mobile home.
- P. Except for paved areas, areas beneath mobile homes, and cultivated areas, all ground shall be planted and maintained in grass. The grass shall be cut regularly. No weeds or wild growth, except for native trees shall be permitted anywhere in the park. All landscaping shall be in conformance with Section 914 of this Ordinance.
- Q. Exterior storage areas for refuse stations shall be properly screened. All containers shall be air tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The park shall have a solid waste management plan in accordance with all applicable Township standards.
- R. The park shall have a plan for storm water management in accordance with all applicable Township regulations governing storm water management.
- S. The park shall have a plan for erosion and sediment control in accordance with all specifications set forth by Pa. DER and County Conservation District.
- T. Mobile home parks of twenty-five (25) units or more shall employ the services of a qualified manager. The manager shall reside at the mobile home park and shall be responsible for the operation and maintenance of the park.
- U. The developer of the mobile home park shall make arrangements, in a form satisfactory with the Township Solicitor, which shall ensure that the common open space shall continue to be adequately managed and maintained.

A. It shall be unlawful to operate a mobile home park within the Township unless a license has been issued by the Board of Supervisors and unless a certificate of registration has been issued by the Pennsylvania Department of Environmental Resources. Such licenses and certificates shall be issued annually.

B. Licenses are not transferable. Notice in writing shall be given the Board of Supervisors within ten (10) days after a mobile home park has been sold, transferred, given away, leased, or the controlling interest otherwise disposed of. A transfer of certificate by the Pennsylvania Department of Environmental Resources shall be required and a new application to the Township shall be made.

C. The park shall furnish the Township a list of tenants of the park. Any change in tenancy shall be reported to the Township within one (1) week. The Board of Supervisors shall have the power to inspect the park register containing a record of all residents of the mobile home park at any reasonable time.

D. All applications to the Township for a mobile home park shall be subject to all applicable review procedures for subdivision and land development and shall be subject to the appropriate fees established by resolution by the Township Board of Supervisors.

SUPPLEMENTARY REGULATIONS

ARTICLE IX

901 ACCESS TO STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.

902 ACCESSORY USES OR STRUCTURES

902.1 General

A. Except as noted elsewhere in this Ordinance, no accessory building or structure shall be permitted within any required front or side yard and within ten (10) feet of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or ten (10) feet, whichever is less.

B. No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

C. Sections 902.2 and 902.3 indicate accessory uses and their specifications for residential and non-residential land uses.

902.2 Residential Provisions

A. Private non-commercial in-ground swimming pools which are designed to contain a water depth of eighteen (18) inches or more must be located in the rear or side yard only, entirely enclosed with permanent fence not less than four (4) feet in height. Such pools shall not occupy more than twenty five (25) percent of the minimum required rear yard.

A. Home Occupations are permitted by right in the HC (Highway Commercial) and SCC (Shopping Center Commercial) Zoning Districts.

903.1 Permitted Uses

903 HOME OCCUPATION REGULATIONS

- A. Storage facilities are permitted provided that such facilities are located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties.
- B. Living quarters are permitted only for proprietors, watchmen, caretakers or similar employees.
- C. Restaurants, cafeterias and/or recreational facilities are permitted provided they are intended for the use of employees only, unless they are permitted as principal uses in the district in which they are constructed.

902.3 Commercial and Industrial Provisions

- F. The keeping of domestic farm animals is permitted provided that all activities are in compliance with Section 905 (Agricultural Use Regulations) of this Ordinance and do not result in a threat to the health and safety of the adjacent property owners.
- E. Free standing earth station satellite receiving dishes shall be mounted at ground level (where possible) and shall not be located closer than 15 feet from any property lines.
- D. Private non-commercial tennis courts shall not be located closer than 15 feet from any property line. A tennis court shall not be located over a drainage field of a sewage disposal system.
- C. Patios, paved terraces and open porches shall not be located closer than 10 feet to any property line.
- B. Detached garages, green houses, and other outbuildings are permitted as accessory uses provided they are located within the building setback lines. All such uses shall be erected, enlarged and/or demolished in accordance with all applicable Township Building Codes.

903.2 Standards

- B. Home Occupations are permitted by conditional use in the RC (Rural Conservation), LDR (Low Density Residential) and the MDR (Medium Density Residential) Zoning Districts.
- C. Home Occupations are permitted be Special Exception in the MHP (Mobile Home Park) and the LI (Light Industrial) Zoning Districts.

A. The office of a licensed medical practitioner or allied health field, dentist, architect, artist, baker (not for retail consumption), lawyer, accountant, insurance agent, real estate broker, teacher, tax collector, engineer, dance, music or voice instructor, dressmaker, milliner or seamstress, barber or beautician, or similar occupation shall be deemed to be a "home occupation".

B. All dwelling units which propose a home occupation use shall have direct access to a public street, provided that the occupation is secondary to the use of the property as a residence, and further that the use of the dwelling does not change the character thereof and/or have any exterior evidence of such secondary use other than a permitted sign subject to Section 927 (Signs) of this Ordinance.

C. The principal person engaged in the home occupation shall be a resident of that dwelling.

D. The home occupation shall be limited to the principal person engaged in the home occupation and one (1) additional person to provide secretarial, clerical or other assistance.

E. No more than one home occupation per residence shall be permitted.

F. The home occupation shall be conducted within the principal residential structure or an accessory structure to which the home occupation is performed.

G. A home occupation shall not occupy more than twenty five (25) percent of the total floor area of the residential dwelling unit or accessory structure to which the home occupation is performed.

H. All parking shall be off-street. Three (3) off-street parking spaces in addition to those required for the residence units shall be provided, except that in the case of the office of a medical practitioner or dentist, four (4) spaces shall be provided.

I. A Zoning Permit issued by the Township is required for all proposed home occupations.

904 RESIDENTIAL CONVERSION STANDARDS

A. The Zoning Hearing Board may authorize as a special exception the conversion of any single family detached dwelling into a dwelling for not more than two (2) families, provided that the tract or lot is located within the RC (Rural Conservation), LDR (Low Density Residential) or MDR (Medium Density Residential) Zoning Districts.

B. The lot area per family shall not be reduced to less than the minimum lot area per family.

C. The yard, building, area, and other applicable requirements for the applicable Zoning District shall not be reduced.

D. Provisions for adequate water supply and waste disposal shall be made in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

E. Such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single-family detached dwelling or other conforming use.

F. If such conversion is authorized, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

905 AGRICULTURAL USE REGULATIONS

905.1 General Agricultural Standards

A. Unless specifically stipulated within this Ordinance, General Agricultural activities are a permitted use by right within all Zoning Districts in Amity Township.

A. Unless specifically stipulated within this Ordinance, Intensive Agricultural activities are a permitted use by conditional use within the RC (Rural Conservation) and by special exception within the LDR (Low Density Residential) Zoning Districts in Amity Township. Intensive Agricultural shall be prohibited in all other Zoning Districts.

905.2 Intensive Agricultural Standards

- F. All areas utilized for grazing purposes shall be completely fenced in.
- E. The display and sale of farm products shall be permitted provided that at least 75 percent of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 20 feet from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924 of this Ordinance.
- D. The raising and ownership of rabbits is permitted in all districts. The total number of rabbits shall not exceed five (5) per acre for all lots under five (5) acres in size. For each additional acre over five (5) acres, the total number of rabbits shall not exceed 25 per acre up to a maximum of 750.
- C. The raising and ownership of poultry is permitted in the RC (Rural Conservation) and the LDR (Low Density Residential) Zoning Districts provided the minimum lot size exceeds one (1) contiguous acre. The total number of birds shall not exceed ten (10) per acre for all lots under five (5) acres in size. For each additional acre over five (5) acres, the total number of birds shall not exceed 50 per acre up to a maximum of 1500.
- B. The raising and ownership of horses, cattle and/or livestock is permitted in all districts provided the minimum lot size exceeds two (2) contiguous grazeable acres. The total number of horses, cattle and/or livestock shall not exceed three (3) for all lots with less than five (5) contiguous grazeable acres. For each additional contiguous grazeable acre over five (5), the total number of horses, cattle and/or livestock shall not exceed three (3) per acre up to a maximum total of fifty (50).

B. Agricultural activities that exceed the standards and provision specified under Section 905.1 (General Agricultural Standards) shall be construed as Intensive Agriculture.

C. All Intensive Agricultural activities shall be conducted on lands that exceed 50 acres in size.

D. The raising and ownership of horses, cattle and/or livestock shall not exceed four (4) animals per acre.

E. The raising and ownership of poultry shall not exceed 500 birds per acre.

F. The raising and ownership of rabbits, guinea pigs, ferrets, hamsters, rodents, or similar animals, shall not exceed a total of 250 per acre.

G. No farm or other accessory outbuilding shall be constructed closer than 200 feet to any residential property line.

H. No more than one (1) dwelling unit shall be permitted on lands on which agricultural activity is considered dominate.

I. The display and sale of farm products shall be permitted provided that at least 75 percent of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than 20 feet from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924 of this Ordinance.

J. All areas utilized for grazing purposes shall be completely fenced in.

K. The cultivation of mushrooms shall be construed as an Intensive Agricultural activity.

L. Piggeries and Mink Farms shall be construed as an Intensive Agricultural activity.

M. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems.

N. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the local, state and/or federal regulatory agencies.

906 RECREATIONAL USE REGULATIONS

The following standards and controls shall apply to all government, non-profit, private and/or community recreational uses:

A. All active outdoor recreational areas shall be set back 50 feet from all lot lines.

B. No buildings shall be constructed within 50 feet from any lot line.

C. No buildings or impervious surfaces shall be constructed on lands which have been classified and identified as part of the Environmental Protection Overlay District (Article V).

D. All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the neighborhood from inappropriate noise, light and other disturbances.

E. Land areas which are not designated for buildings and impervious surfaces shall be planted with an adequate all-season ground cover which is consistent with Section 914 (Landscaping) of this Ordinance.

F. No driveway or access street shall be located within 50 feet from the intersection of any Township, State or private street. The intersections and interior traffic circulation pattern shall be designed to prohibit through traffic and minimize substantial traffic congestion and hazards. All roads designed for interior circulation shall be constructed in accordance with all applicable Township Standards and specifications.

G. Parking facilities shall be required and designed in accordance with all Township Standards and specifications.

A. Open Burning is not permitted in Amity Township unless such burning is consistent with the provisions and restrictions of Township Ordinance No. 88-114, as amended.

B. No gases, vapors, odors, and/or particulates shall be emitted from the facility which are detrimental to persons, property, animals or vegetation. No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.

908.1 Air Management

Notwithstanding the laws and regulations of the United States Environmental Protection Agency (US EPA) and/or the Pennsylvania Department of Environmental Resources (PA DER), the environmental performance standards listed under this Section will be utilized by the Amity Township Board of Supervisors, Planning Commission and Engineer as supplemental regulations for reviewing existing or potential environmental impacts within the corporate limits of Amity Township.

908 ENVIRONMENTAL PERFORMANCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

All proposed commercial and industrial uses shall be designed in accordance with all land development requirements and procedures pursuant to Act 247, as amended, and all Township codes and ordinances.

907 DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

I. A land development plan shall be required for all proposed recreational sites in accordance with requirements of Act 247, as amended. In addition, all applications shall comply with applicable standards and specifications provided within the Amity Township Zoning and Subdivision Ordinance.

H. All parking areas, driveways and/or streets shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas. In addition, the standards indicated under Section 922 (Lighting) shall be applicable for all design specifications.

908.2 Noise and Vibration Control

- A. No continuous noise in excess of the following limits shall be permitted at the property line of the site on which the noise sources originate:
- B. Noise which is not smooth and continuous and is not radiated between the hours of 12:00 a.m. and 6:00 a.m. may exceed the maximum levels listed above by the following number of decibels:
- C. No odors causing annoyance or discomfort to the adjacent residents shall be detectable beyond the property lines of the commercial or industrial site on which such odors originate.
- D. The Air Pollution Control Act of 1960, PL 2119 of the Commonwealth of Pennsylvania (as amended) in conjunction with "Chapter 131 - Ambient Air Quality Criteria" and "Chapter 123 - Standards for Contaminants" of "Title 25 - Rules and Regulations" 1971, as amended, shall be considered as minimum standards for the control of smoke, dust, fumes and emissions within the Commercial and Industrial Districts.

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS (IN DECIBELS)

Frequency Band: Cycles Per Sound	Along Residential District Boundaries Between 12 A.M. & 6 A.M.	Along Residential District Boundaries Between 6 A.M. & 12 A.M.	Along Comm./ Ind. District Boundaries Or Lot Lines
20 - 75	63	71	73
76 - 150	53	64	66
151 - 300	47	58	60
301 - 600	41	53	55
601 - 1,200	37	49	52
1,201 - 2,400	35	47	50
2,401 - 4,800	33	46	48
4,801 - 10,000	32	44	47

B. Noise which is not smooth and continuous and is not radiated between the hours of 12:00 a.m. and 6:00 a.m. may exceed the maximum levels listed above by the following number of decibels:

Amount of Time in Any One (1) Hour Period	Increase In Decibels *
Not more than twelve (12) minutes	5
Not more than three (3) minutes	10
Not more than one (1) minute	15

* Applicable for only one increase.

C. The levels of all sound pressure testing shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specifications published by the American Standards Associates.

D. No physical vibration shall be perceptible without aid of instruments at or beyond the lot lines with the exception of temporary construction activity.

908.3 Glare and Heat Control

Any operation producing intensive light, glare and/or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the sites boundary lines.

908.4 Wastewater Management

A. In no case shall potentially hazardous effluent or waste from any commercial or industrial operations be discharged.

B. Effluent must meet all standards specified by the Township and/or Pennsylvania Department of Environmental Resources.

908.5 Solid Waste Management

A. No storage of solid waste materials on the site shall be permitted in excess of ten (10) days.

B. All solid waste materials awaiting transport shall be properly screened and concealed from the view of all adjacent properties. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate existing and projected volumes of solid waste.

C. All solid waste management violations must be rectified within a 24 hour period.

D. Incineration for the purpose of reducing or disposing of liquid or solid waste material must comply with the Berks County Solid Waste Management Plan.

All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC), provided that no electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

908.8 Electromagnetic and Radioactive Radiation Control

A. Any utility which is viewed and regarded as offensive and unsightly shall be concealed by confiterous planting.

B. Any utility which is viewed and regarded as offensive and unsightly shall be concealed by confiterous planting.

A. All commercial and industrial uses requiring energy in the form of electric, diesel, gas, oil, etc., shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed and installed so as to be an integral part of the architectural features of the site.

908.7 Utility Management and Control

E. Section 910 (Outdoor Storage) shall also be applicable for commercial and industrial uses.

D. No substance which has the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards which are satisfactory to the Township and the PA DER.

C. Section 910 (Outdoor Storage) shall also be applicable for commercial and industrial uses.

B. All storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a security fence and concealed by a vegetative screen.

A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except for tanks or drums of less than 600 gallons of fuel which is directly connected with engines, heating devices, or appliances located and operated at the same site as the tanks or drums of fuel and which have been approved by the Township or State where applicable.

908.6 Outdoor Storage Control

908.9 Violations

Proprietors who have been cited for any violation(s) subject to this Section shall be responsible for applicable costs incurred by the Township through background investigations, legal proceedings, retractions and rectification measures.

909 TEMPORARY STRUCTURES

A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature. The time period of the initial permit shall be 1 year which may be renewed for 3 month time periods up to and not exceeding 1 year. The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Township.

910 OUTDOOR STORAGE

A. Outdoor storage of any type shall not be permitted unless such storage conforms to the normal functions and procedures conducted on the premises. Outdoor storage of any type shall be prohibited, if such storage is considered and/or construed as unsightly, malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.

B. No exterior fuel shall be stored above ground within the LDR (Low Density Residential) or the MDR (Medium Density Residential) Zoning Districts, except for fuels stored in approved containers, 600 gallons or less, and utilized solely for agricultural purposes.

911 PROHIBITED USES

No building or structure may be erected, altered, or used and no lot or premises may be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

912 FRONT YARD EXCEPTIONS

When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the Ordinance and the improvements are located within one hundred (100) feet of the unimproved lot. For the purpose of this Section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

913 FLAG LOTS

Flag lots or key hole lots are prohibited in all zoning districts within the Township. All lots developed or created shall meet or exceed the required lot width for the zoning district in which it is located in.

914 LANDSCAPING

914.1 Buffer Yards

A. Where District regulations require buffer yards, screening and/or planting strips, the applicant shall submit a Landscaping Plan to the Township for review and approval.

B. The Landscaping Plan shall show the following information:

The location and arrangement of each buffer yard;
The species, placement and size of all plant material selected;
The type, placement and size of all fences to be placed in such buffer yards;

C. The type and density of planting shall adequately provide the screening effect required.

D. The plant materials utilized shall be selected from the approved list identified under Section 914.3 of this Ordinance.

E. All plant materials shall be permanently maintained and any plant material which does not live shall be replaced.

F. Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover and shall be landscaped according to an overall plan.

G. All buffer yards shall be maintained and kept clean of debris, rubbish, weeds and tall grass.

H. 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 this Section.

914.2 Developments Requiring Landscaping Plans

A. All residential developments containing ten (10) or more dwelling units or non-residential development greater than one (1) gross acre shall submit a Landscaping Plan to the Township for review and approval.

B. The Landscaping Plan shall show the type, size and arrangement of all species selected.

C. The plant materials utilized shall be selected from the approved list identified under Section 914.3 of this Ordinance.

D. Residential developments shall provide a minimum of one (1) selected Canopy, Flowering or Evergreen Tree per lot. The overall development shall contain a minimum of three (3) selected Canopy, Flowering and/or Evergreen Trees per gross acre.

Acer ginnala - Amur Maple
 Acer platanoides - Norway Maple
 Acer rubrum - Red Maple
 Acer saccharum - Sugar Maple
 Betula alba - European White Birch
 Fagus grandifolia - American Beech

A. Canopy Trees are permitted provided they are a minimum of two (2) inches in caliper as measured twelve (12) inches from the ground. The following is an approved list of Canopy Trees:

Unless specifically stipulated within this Ordinance, the following is an approved list of selected trees, hedges and/or shrubs, which may be utilized to meet the standards and specifications of Section 914.1 (Buffer Yards) and/or Section 914.2 (Developments Requiring Landscaping Plans). Species selection shall be based upon the existing physical and natural conditions of the site.

914.3 Plant Material List

J. 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 this Section.

I. All plant materials shall be permanently maintained and any plant material which does not live shall be replaced.

H. All plant materials shall be located so as not to create a potential traffic hazard.

G. The strategic placement of trees throughout the development to serve as a buffer against the wind and sun is encouraged for energy conservation purposes.

F. All selected plant materials shall be located so as not to interfere with the installation and maintenance of sidewalks, drainage facilities and/or utilities.

F. All selected plant materials shall be planted a minimum of ten (10) feet outside of the legal right-of-way of all existing and proposed streets.

E. Non-residential developments shall provide a minimum of two (2) selected Canopy, Flowering and/or Evergreen Trees per gross acre.

- Fagus sylvatica - European Beech
 Fraxinus americana - White Ash
 Fraxinus pennsylvanica lanceolata - Green Ash
 Gleditsia triacanthos inermis - Thornless Honey Locust
 Liquidambar styraciflua - Sweet Gum
 Liriodendron tulipifera - Tulip Tree
 Phellodendron amurense - Amur Cork Tree
 Platanus acerifolia - London Plane Tree
 Quercus alba - White Oak
 Quercus borealis - Red Oak
 Quercus coccinea - Scarlet Oak
 Quercus palustris - Pin Oak
 Quercus phellos - Willow Oak
 Robinia pseudoacacia inermis - Thornless Black Locust
 Sophora japonica - Japanese Zelkova
- B. Flowering Trees are permitted provided they are a minimum of ten (10) feet in height. The following is an approved list of Flowering Trees:
- Amelanchier canadensis - Shadblow Serviceberry
 Cornus florida - Flowering Dogwood
 Cornus kousa - Kousa Dogwood
 Cornus mas - Cornelian Cherry
 Crataegus phaenopyrum - Washington Hawthorn
 Koeleria paniculata - Golden Rain Tree
 Laburnum vossii - Goldenchain
 Magnolia soulangeana - Saucer Magnolia
 Malus baccata - Siberian Crab
 Malus floribunda - Japanese Flowering Crab
 Malus hopa - Hopa Red-Flowering Shrub
 Oxydendrum arboreum - Sourwood
 Pyrus calleryana Bradford - Callery Pear
 Prunus calleryana - Kwanzan Cherry
 Prunus yedoensis - Yoshino Cherry
- C. Evergreen Trees are permitted provided they are a minimum of six (6) feet in height. The following is an approved list of Evergreen Trees:
- Ilex opaca - American Holly
 Picea abies - Norway Spruce
 Picea omorika - Serbian Spruce
 Picea pungens - Colorado Spruce
 Pinus nigra - Austrian Pine
 Pinus strobus - Eastern White Pine
 Pinus thunbergii - Japanese Black Pine
 Pseudotsuga menziesii - Douglas Fir
 Tsuga caroliniana - Carolina Hemlock
 Tsuga canadensis - Canada Hemlock

- A. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. Any tree or shrub which within eighteen (18) months of planting is deemed, in the opinion of the Township, to have grown in a manner uncharacteristic of its type, shall be replaced.
- B. Substitutions for certain species may be permitted only when approved by the Board of Supervisors.
- C. The developer or landowner shall deposit with the Township a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining and replacing all vegetative materials for a period of eighteen (18) months. This condition shall be satisfied through an executed agreement between the Township and developer.

914.4 Guarantee/Performance Bond

- D. Shrubs are permitted for buffer and screening purposes provided they are a minimum of three (3) feet in height. The following is an approved list of shrubs:
- Crataegus crus-galli - Cockspur Thorn
 - Crataegus intricata - Thicket Hawthorn
 - Crataegus phaenopyrum - Washington Hawthorn
 - Elaeagnus angustifolia - Russian Olive
 - Euonymus alatus - Winged Euonymus
 - Forsythia intermedia - Border Forsythia
 - Rhamnus fraxula columnaris - Tallehedge Buckthorn
 - Syringa chinensis - Chinese Lilac
 - Syringa vulgaris - Common Lilac
 - Viburnum alatus - Viburnum
 - Viburnum sieboldii - Siebold Viburnum
 - Viburnum tomentosum - Doublefile Viburnum
- D. Shrubs are permitted for buffer and screening purposes provided they are a minimum of three (3) feet in height. The following is an approved list of shrubs:
- Euonymus alatus - Winged Euonymus
 - Hamamelis vernalis - Vernal Witch Hazel
 - Hamamelis virginiana - Common Witch Hazel
 - Ilex verticillata - Winterberry
 - Juniper virginiana - Upright Juniper
 - Physocanthus lalandi - Laland Firethorn
 - Rhamnus frangula - Glossy Buckthorn
 - Taxus capitata - Upright Yew
 - Taxus hicksii - Hicks Yew
 - Viburnum dentatum - Arrowwood Viburnum
 - Viburnum lantana - Wayfaring Tree Viburnum

Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles, and mail boxes, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted, or allowed to grow. Such triangles shall be established from a distance of seventy five (75) feet from the point of intersection of the center lines of the intersecting streets, except that a clear sight triangle of 150 feet shall be provided for all intersections with collector and arterial highways.

CORNER LOT RESTRICTIONS

917

D. Cyclone fences are permitted provided they are adequately screened from the view of any adjacent properties with suitable landscaping (Section 914).

C. Fences constructed out of barb wire shall only be permitted for agricultural purposes. The tops of Security Fences exceeding six (6) feet in height may also utilize barb wire.

B. No fence or wall, except a security fence or decorative retaining wall, shall exceed six (6) feet in height. All proposed fences and walls shall be designed and constructed in accordance with the specifications and proceedings of the Township Planning Commission or Zoning Officer.

A. No fence, wall and/or hedge is to be erected or planted within or encroaching upon the street right-of-way.

Notwithstanding other provisions of this Ordinance, fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:

FENCES, WALLS AND HEDGES

916

On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located, shall be provided on each side of the lot which is adjacent to a street.

VISIBILITY AT INTERSECTIONS

915

918 PROJECTIONS INTO YARDS

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

A. Terraces, patios, or open porches, provided that such terraces, patios, or open porches are not enclosed, are not closer than five (5) feet 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.

B. Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys, and window sills, provided that all such features shall project no more than five (5) feet into any required yard, and shall not be located closer than six (6) feet to any lot line (except lot lines which are the projection of common walls).

C. Uncovered stairs and landings, provided such stairs or landings do not exceed three (3) feet six (6) inches in height, do not project more than five (5) feet into any required yard, and are not located closer than six (6) feet to any lot line (except lot lines which are the projection of common walls).

919 ACCESSORY BUILDING SETBACK EXCEPTIONS

On any lot on which a principal building existed at the effective date of this Ordinance, as accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way or lot line than that principal building.

HEIGHT EXCEPTIONS

920

The building height limitations contained within this Ordinance shall not apply to chimneys, spires, cupolas, antennas and other similar appurtenances usually required to be placed above the roof level provided they are not intended for human occupancy and provided that any such projection which exceeds the height limitations of the applicable zoning district shall not be greater in height above its base than the shortest distance from such base to any lot line. Unless otherwise specified in this Ordinance, no building in the Township, other than a farm building, shall exceed thirty five (35) feet in height, provided that such height may be increased by one (1) foot 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 (50) feet.

SWIMMING POOLS

921

Swimming pools shall be defined as a fixed body of water, 24 inches or more in depth and with a water surface area of 100 square feet or more, that is utilized for the purpose of swimming and bathing. Such swimming pools may be entirely or partially above ground. Swimming pools shall be classified as a residential accessory use. The following standards provided below shall supplement those standards provided in Section 902 (Accessory Uses or Structures).

A. The pool, filters, pumps and other mechanical and structural equipment shall conform to the side and rear yard setbacks for the district they are located within.

B. Any flood lighting or other illumination used in conjunction with the pool shall be shielded and directed away from adjacent property owners.

C. The pool shall be completely enclosed by a fence or wall not less than 4 feet in height. If the enclosure is a fence, the vertical and horizontal interfaces shall be no more than 2 inches apart. All gates shall be equipped with locks.

A. Paved off-street loading and unloading spaces, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within required front yards and shall not be located within 10 feet of any side or rear lot line.

B. All such spaces shall have dimensions not less than twelve (12) feet by forty five (45) feet with a clearance of not less than fourteen (14) feet in height. Spaces required shall be determined by the following table and shall be located exclusive of any public right-of-way or required parking area.

OFF-STREET LOADING AREAS

923

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets. No direct beams of light shall be directed toward adjacent properties or toward public roads, except from street lights intended for the lighting of streets, the location of which have been approved by the Township and the appropriate utility company. No lighting shall be utilized in such a manner to produce a light intensity greater than ten foot-candles beyond the lot boundaries when the adjacent land is included within a residential zoning district.

LIGHTING

922

D. Above ground pools over 4 feet in height do not need to be enclosed by a fence or wall, but the ladders serving the pool shall be locked in an inaccessible position at least 4 feet above the ground or removed and locked up elsewhere.

E. The pool shall not occupy more than 25 percent of the minimum yard area in which the pool is located.

OFF-STREET LOADING

Gross Floor Area (Square Feet)

Spaces Required

Office Building

First 20,000 or fraction thereof

One (1)

Each additional 40,000 square feet

One (1)

Warehousing or Wholesaling
Establishment

First 10,000 or fraction thereof

One (1)

10,001 to 60,000

One (1) plus one
additional space
for each 25,000
square feet in
excess of 10,000
square feet

60,001 and over

Three (3) spaces
plus one (1)
additional space
for each 50,000
square feet in
excess of 60,000
square feet

Other Principal Uses

First 10,000 or fraction thereof

One (1)

10,001 to 40,000

One (1) plus one
additional
space for each
15,000 square
feet in excess
of 10,000 square
feet

40,001 and over

Three (3) spaces
plus one (1)
additional space
for each 30,000
square feet in
excess of 40,000
square feet

Off-street parking facilities shall be provided whenever:

- A. A building is constructed or new use established.
- B. The use of an existing building is changed to a use requiring more parking facilities.
- C. An existing building is altered so as to increase the amount of parking spaces required.

924.1 Standards

A. Each parking space shall have a minimum area of 200 square feet and minimum dimensions of ten (10) feet by twenty (20) feet. In addition, appropriate driveways, aisles, and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided.

B. Parking spaces for residential uses shall be located on the same lot as the use served. Parking spaces for other uses shall be provided for on the same lot as the use being served, or in parking facilities within 300 feet of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property.

C. All parking spaces designated for single family residential units shall be located behind the street right-of-way line.

D. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

E. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.

- F. All common parking areas and access drives shall be paved. They shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed five (5) percent, and the maximum grade of access drives shall not exceed ten (10) percent. Surface water shall not be concentrated onto public sidewalks and other premises.
- G. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
- H. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
- I. The width of aisles in parking areas shall be no less than listed in the following table:
- | Angles of Parking | | Aisle Width |
|-------------------|---------|-------------|
| One Way | Two Way | |
| 90 degrees | 24' | 24' |
| 60 degrees | 18' | 18' |
| 45 degrees | 15' | 15' |
| 30 degrees | 12' | 12' |
- J. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full parking space.
- K. The design of parking areas for all uses shall be such to prevent the back-up of vehicles on a public street.
- L. Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.
- M. Parking areas shall be arranged so that no portion of any vehicles parked within a designated parking space can extend over any property line of the lot on which it is parked.

- N. Parking areas for non-residential uses which are designed to contain more than three (3) vehicles shall be screened from the view of persons on any land zoned RC, LDR, MDR and MHP which is adjacent to the land on which the non-residential parking area is located.
- O. Parking areas and access drives for non-residential uses shall be located a minimum of ten feet (10') from a lot line and street right-of-way line, and the area between the parking area and the lot line or street right-of-way line shall be landscaped in accordance the standards specified under Section 914.1 (Buffer Yards).
- P. Non-Conforming Parking Areas - No major repairs, substantial alterations or extensions to any building shall be permitted unless the plans for such change shall provide for bringing the entire property into conformance with all of the provisions of this Section as if an application were being made for a permit to erect or construct all of the existing and proposed buildings and structures on undeveloped ground.
- Q. The parking of tractor trailers, recreational vehicles (RV's), campers, boats, or other similar vehicles, shall not be permitted on any public street or within any required front, side or rear yard. The parking of such vehicles shall only be permitted within an approved parking facility.
- R. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. Minimum off-street parking requirements shall conform to the specifications under Section 924.2.
- ### 924.2 Requirements
- Off-street parking requirement shall be as follows:
- A. Residential Uses - Two parking spaces per dwelling unit.
- B. Wholesaling, Warehouse or Industrial Use - One space per two employees on the combined employment of the two largest successive shifts.
- C. Restaurant, Tavern, or Similar Use - One space for each two seats plus one space for each full time employee on the largest shift.

- D. Retail and Service Establishments - One space for each 150 square feet of gross floor area.
- E. Office Buildings - One space for each 200 square feet of gross floor area.
- F. Motel, Hotel, Tourist Home or Similar Establishments - One space for each rental unit plus one space for each employee on the largest shift.
- G. Medical, Dental, and Paramedical Offices and Clinics - Eight spaces for each person engaged in practice.
- H. Nursing Home, Convalescent Home or Home for the Aging - One space for each employee plus one space for each four beds.
- I. Hospital - One and one-half spaces per bed.
- J. Funeral Home - One space for each four seats.
- K. Roadside Farm Stand - Not less than five spaces.
- L. Drive-In Eating Establishment (no indoor seating provided) - One space for each 2,000 square feet of lot area or one space for every 25 square feet of gross floor area, whichever is greater, plus one space for each full time employee on the largest shift.
- M. Bowling Alley - Five spaces per alley.
- N. Auditorium, Gymnasium, Theater, Municipal Building, Place of Worship, Club or Lodge, Cafeteria utilized for public assemblage, or other Place of Public Assemblage - One space for every three seats.
- O. Library or Museum - One space per 300 square feet of gross floor area.
- P. Nursery Schools - One space per employee plus one space for loading and unloading of children for each five children accommodated in the school.
- Q. Elementary and Junior High Schools - One space per employee plus ten spaces per classroom. Refer to requirement "N" for additional requirements.

- R. High Schools - One space per four students plus one space for each employee. Refer to requirement "N" for additional requirements.
- S. Skating Rink, Swimming Pools, Dance Hall, Indoor Recreational Establishment - One space per fifty square feet devoted to patron use.
- T. Motor Vehicle Service Station or Repair Garage - Two parking spaces per service bay.
- For any building or use not covered above, or for any combination of uses set forth above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

925 DRIVEWAYS

- A. No driveways shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or street.
- B. All driveways shall be so constructed and maintained that the materials of which the driveways are made will not wash nor be deposited upon public roads.
- C. Driveways serving single family residential dwelling units shall not exceed fourteen (14) percent in grade. Driveways exceeding seven (7) percent in grade shall be paved.
- D. Driveways serving multi-family residential dwelling units and non-residential developments shall not exceed ten (10) percent in grade and shall be paved.
- E. All driveways shall be located, designed and constructed as to provide optimum sight distance at their intersection with the street. The Amity Township Subdivision and Land Development Ordinance provides standards and guidelines for calculating site distances.
- F. Driveway entrances shall not intersect streets at angles of less than sixty (60) degrees nor more than one hundred twenty (120) degrees.

G. All driveways shall be located, designed and constructed in accordance with the standards for driveways specified in the Amity Township Subdivision and Land Development Ordinance.

926 HIGHWAY FRONTAGE DEVELOPMENT

A. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading, or storage area.

B. Each use with less than 100 feet of frontage on a public street shall have not more than one accessway to each such street. No use with 100 feet or more frontage on a public street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.

C. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the street line, shall conform to the following schedule:

Width in Feet		
Minimum	Maximum	
12	26	One Way
24	36	Two Way

D. In all cases the radius of the edge or the driveway apron shall be at least fifteen (15) feet and no more than fifty (50) feet.

E. The location and width of exit and entrance driveways shall be planned so as not to interfere with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets. The center line of the access driveway on to or from any public street shall be located at least 75 feet from the intersection of any street lines.

927.1 Purpose and Application

A. The purposes of the regulations contained under this section are to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.

B. Signs existing at the date of enactment of this Ordinance and which do not conform to the requirements of this Ordinance shall be considered non-conforming signs. Once a non-conforming sign is removed, it may be replaced only with a conforming sign. Non-conforming signs may be repaired or repainted provided that the modifications do not exceed the dimensions of the existing sign.

927.2 Area Standards

A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

B. The area of a sign, painted upon or applied to a building, shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

927.3 Permitted Signs - All Zoning Districts

These signs are permitted in all Zoning Districts and are subject to the following standards, provisions and specifications.

A. Official traffic control signs, and other Official, Federal, State, County or Township government signs.

B. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.

C. Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.

D. Temporary signs of contractors, developers, architects, engineers, builders, and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.

E. Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed two (2) square feet.

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 sign shall not exceed six (6) square feet, shall be removed within two (2) weeks after the date of the exhibit, show, event or election, shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event, and that political signs shall not be posted earlier than one (1) month prior to an election.

927.4 Permitted Signs - Residential Districts

The following signs are permitted in the RC (Rural Conservation), LDR (Low Density Residential), MDR (Medium Density Residential) and the MHP (Mobile Home Park) Zoning Districts.

A. Free-standing temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of any one side of the sign does not exceed thirty two (32) square feet, that there shall be no more than one (1) such sign on each street frontage, and that no sign shall be erected so as to stand higher than one of the buildings it advertises. For the purposes of this Ordinance, multi-family dwelling premises shall not be advertised by temporary real estate signs for more than twelve months after building construction is completed.

The following signs are permitted in Multi-Family and/or Planned Residential Developments.

927.5 Permitted Signs - Multi-Family/Planned Residential Developments

- Frontage.
- feet and not more than one (1) sign per 10 feet of road provided that such sign is limited to six (6) square feet, or in a particular hybrid or strain of plant, etc., or in a particular breed of cattle, hogs, specialization in a particular breed of cattle, hogs, associations, cooperatives, or indicating D. Signs denoting membership in agricultural Frontage.
- one (1) such sign shall be erected on any one street not exceed twelve (12) square feet and not more than premises, provided that the area of any such sign shall products, or livestock produced or raised on the C. Signs offering the sale of farm products, nursery Frontage.
- shall be erected on any one street frontage. (12) square feet and not more than one (1) such sign that the area of any such sign shall not exceed twelve institution and its activities or services, provided therewith for the purpose of displaying the name of the buildings other than dwellings on the same lot multi-family dwellings or other principal uses and identification sign for schools, churches, clubs, B. Sign, bulletin, announcement board or Front yard, but not within ten (10) feet of the cartway.
- A. Home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one (1) such sign shall be erected for each permitted use or dwelling and provided that the area of such sign shall not exceed two (2) square feet and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of the cartway.

1. All off-site advertising signs shall have a maximum display area of three hundred square feet per sign face with a maximum width of twenty-five (25) feet, inclusive of any border, and shall have no more than one (1) in each direction.

C. Off-site advertising signs may be erected and maintained within the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI (Light Industrial) Zoning Districts which immediately adjoin United States Route 422 (Either East or West Bound) and for an area of one hundred fifty (150) feet from the edge of the cartway of said road. In addition the following standards and specifications shall apply:

B. Special temporary promotional devices, signs, or displays, such as banners or pennants. Where such signs are outside of a building, they shall remain on display for a period not to exceed thirty (30) consecutive days.

A. Business or industrial wall or freestanding signs on the same lot as the use to which it relates, provided that the total of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of one hundred sixty (160) square feet. No more than two (2) freestanding sign structures shall be permitted per lot.

The following signs are permitted in the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI (Light Industrial) Zoning Districts and no other.

927.6 Permitted Signs - Commercial and Industrial Districts

C. Permanent identifying signs for the purpose of indicating the name of the multi-family project and for the purpose of identifying the individual buildings within the projects. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten (10) square feet in size. Signs to identify the individual buildings within the project shall not exceed two (2) square feet in size.

B. Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a sales or rental office or sample apartment.

2. Two (2) sign faces may be utilized only in the back-to-back arrangement in which case they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than fifteen (15) feet apart.
3. All off-site advertising signs shall be constructed on a steel unipole support meeting the industry-wide standards and shall be designed and certified as accurate and of sound construction quality by a registered and certified Professional Engineer whose signature and seal shall appear on the face of said plan along with said certification.
4. All off-site advertising signs shall conform to the building height restrictions of the district controlling the location of the structure. The height shall be measured from the bed of the street, road, highway or alley to the highest part of the sign or supporting structure.
5. No off-site advertising sign shall be erected within one thousand (1,000) feet of any other advertising sign on the same side of any street, road, highway or alley.
6. No off-site advertising sign shall be erected closer than twenty (20) feet to the cartway or as specified by the Pennsylvania Department of Transportation.
7. All off-site advertising signs shall be maintained in good and safe structural condition. The painted portion of all off-site advertising signs shall be kept in good condition.
8. The general area in the vicinity of all off-site advertising signs shall be kept free and clear of sign material, debris and adhere to any and all Township Ordinances, including the Weed Control Ordinance now in effect or as hereinafter amended.
9. All newly erected off-site advertising signs shall conform to all applicable federal, state and local laws, rules and regulations.

10. Off-site advertising signs may be illuminated provided that the lighting shall be arranged in a manner which shall protect neighboring properties and streets or roadways from direct glare, beams or rays and shall not be of such intensity or brilliance to cause impairment of the vision of any driver or operator of any vehicle nor create hazardous interferences of any kind.

11. No off-site advertising signs shall be erected within one hundred fifty (150) feet of any intersection of any public roadway with United States Route 422, and no off-site advertising sign shall be erected or placed in any manner so as to interfere with or impeded the unobstructed vision of a motor vehicle operator attempting to enter on or exit from any intersection public or private roadway, or any driveway or parking facility adjacent to United States Route 422.

12. No off-site advertising sign shall be erected or maintained without the owner thereof having first obtained a permit from the Township, which shall be issued by the Zoning Officer or other party designated by the Board of Supervisors, only upon receipt of a written application completed in duplicate, signed by the applicant and accompanied by five (5) copies of a plan of the property or tract of land, prepared to scale, depicting dimensional limits of the sign face, the perimeter boundaries as taken from the Deed for said tract, all identifying the current owner of the tract, all adjacent owners, the location and dimensions of United States Route 422 in relation to the tract, the next closest intersecting public roadways and any driveways or parking areas within one hundred fifty (150) feet of the site, the proposed location of the sign area to be transferred in fee or controlled by lease and any and all easements or utility installation affecting such site and accompanied by five (5) copies of a plan of the sign prepared to scale depicting the supporting structure and the specifications of the materials and methods of construction and maintenance to be employed, signed and certified by a registered licensed Professional Engineer.

C. **Clearance** - No sign structure erected directly upon the ground shall have less than three (3') feet of clear space between such sign and the ground; however, necessary supports may extend through such open space.

B. **Height** - No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular district in which they are located.

A. **Projection** - No sign shall project more than twelve (12") inches from the building facade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

The following supplementary sign regulations shall apply to all zoning districts in the Township.

927.7 Supplementary Sign Regulations

14. Permit applications shall be accompanied by a check or cash in full satisfaction of an initial application fee to be established by resolution of the Board of Supervisors in an amount not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or a reapplication fee to be established by resolution of the Board of Supervisors in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

13. Permit applications shall be reviewed by the Zoning Officer and the Township Engineer for compliance with this Ordinance and upon approval by both, a permit shall be issued to remain in effect for a period of three (3) years from the date of issuance of the permit, subject to renewal for additional three (3) year intervals upon written reapplication and presentation of documentation establishing applicant's continued compliance with the terms and conditions of this Ordinance concerning weed control, maintenance, illumination and other terms not to include the location of the site itself but to include any terms or conditions appearing on the face of the permit.

A. No occupied building or well shall be located within five hundred (500') feet of an identified hazardous area, except as noted in sub-Section "B".

928.2 Standards

A. The Township Planning Commission and/or Board of Supervisors may identify areas of the Township such as mine holes, quarries, sinkholes, waterways, areas of naturally occurring physical features, areas of naturally occurring minerals or chemicals, waste disposal areas, and/or waste storage areas, which could endanger the public health, safety, or welfare by presenting potential hazards to life, health, or property if development occurs in the vicinity of such hazardous areas.

B. The hazardous areas shall continue to be considered as such until, after recommendation by the appropriate State, Federal, or County Agency, the Township Supervisors determine that the hazards have been eliminated or adequate safeguards against such hazards have been provided.

928.1 Purpose and Application

928 HAZARDOUS AREAS

D. Illumination - Signs may be lighted with nonflaring lights or may be illuminated by shielded floodlights, provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.

E. Placement - No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five (5') feet of any side lot line.

F. Construction - All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days notification, be removed by the Township at the expense of the owner or lessee of the property on which it is located.

Commercial campgrounds are a permitted use by special exception from the Zoning Hearing Board in the RC (Rural Conservation), LDR (Low Density Residential), MDR (Medium Density Residential), HC (Highway Commercial) and SCC (Shopping Center Commercial) Zoning Districts. If a special exception is granted, then the applicant shall be subject to the following conditions:

A. The minimum area for such uses shall be twenty five (25) acres.

B. The application for special exception use shall be accompanied by three (3) copies of a detailed development plan for the site. One copy will be retained for use by the Zoning Hearing Board; a copy will be forwarded by the Zoning Hearing Board to the Planning Commission and Township Engineer for review and comment prior to the hearing on the Special Exception use.

930 COMMERCIAL CAMPGROUND STANDARDS

The restrictions of this Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

929 PUBLIC UTILITY STANDARDS

B. An occupied building or well may be located within five hundred feet (500') of an identified hazardous area provided that a sufficient number of excavations, borings and/or groundwater tests have been conducted within the area. The test results shall conclusively determine that the soil, geology and/or groundwater conditions are not considered hazardous to the occupant(s). The accuracy of all test results and/or conclusions shall be certified by a qualified professional. All wells located within five hundred feet (500') of the hazardous area shall be re-tested every two (2) years by a certified laboratory to determine if the water is potable. All costs incurred for the sampling and laboratory analysis shall be incurred by the property owner.

- C. Permanent structures in the area shall be limited to one residence and one retail store with sales limited to items for the convenience of campers, and accessory structures including an office, maintenance buildings and storage areas. All such structures shall be located no less than two hundred (200) feet from any property line and the nearest public road right-of-way line.
- D. A fifty (50) foot wide buffer yard shall be provided adjacent to all property lines and public road right-of-way lines. The buffer yard shall contain suitable plantings of vegetation which create an effective screen. In addition, the buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance.
- E. No campsite shall be located closer than one hundred (100) feet from any adjoining property line or public road right-of-way line.
- F. No less than ten (10) percent of the gross site area shall be devoted to recreational facilities including children's play areas and adult recreation areas.
- G. Campsites for both tents and recreational vehicles shall be limited to ten (10) sites per acre.
- H. The minimum area of a campsite shall be two thousand five hundred (2,500) square feet and shall be so dimensioned, improved, and arranged that when occupied no part of any unit including accessory attachments shall be within ten (10) feet of any designated campsite lot line.
- I. Roads and accessways shall be provided in such a manner so that ingress and egress for each campsite lot can be had without encroaching or entering upon any other campsite lot.
- J. Each campsite shall be occupied by only one unit be it tent, trailer or camper.
- K. No permanent structures shall be permitted on any campsite lot other than fire places.

- L. Occupancy at a Campsite shall only be permitted between the months of February through November. All camping units unoccupied for a period of 72 hours shall not be permitted to remain on the campsite. Occupancy at a Campsite shall not be permitted in the months of December and January.
- M. Recreational vehicles may be stored on the grounds in a designated storage area, screened by a buffer yard from view of abutting properties and public roads. The buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance.
- N. No part of any campground area shall be used for nonresidential purposes, except those purposes required for the district serving and well-being of the campground customers and the management and maintenance of the campground.
- O. The development plans, proposed and submitted in accordance with the Amity Township Subdivision and Land Development Ordinance shall indicate campsites, parking, roads, utilities, sewage disposal facilities, recreation areas, permanent buildings and any other significant features thereof.
- P. A fire prevention and protection plan approved by the local fire chief having jurisdiction thereover shall be submitted with the development plans.
- MULTI-FAMILY DEVELOPMENTS**
- Multi-Family Developments containing Townhouses and Apartments are permitted by Special Exception in the MDR (Medium Density Residential) Zoning District. If a Special Exception is granted the following conditions shall also apply:
- A. The minimum amount of land in the development shall be ten (10) acres.
- B. The development shall be served by public or community sewage disposal and water supply facilities.
- C. The overall density of the development shall not exceed three (3) dwelling units per acre.
- D. The maximum building height shall be thirty five (35) feet.

- E. A minimum of thirty percent (30%) of the gross area of the development shall be set aside as common open space. No more than fifty (50) percent of the common open space shall be located on lands within the Environmental Protection Overlay District (Article V). The common open space shall be planned as a contiguous area located and designed for the maximum benefit for all residents within the development. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open space areas may be reserved for private use or dedicated to the Township if acceptable to the Township. For land which is not dedicated to the Township, written agreements satisfactory to and approved by the Township Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.
- F. A system for pedestrian circulation throughout the development shall be provided.
- G. The maximum length of an apartment building shall be 150 feet.
- H. The number of townhouses, or other units in combination with townhouses, shall not exceed seven (7) contiguous residential dwelling units.
- I. No apartment building or townhouse shall be located within fifty feet of a property line of the development.
- J. The horizontal distance between groups of multi-family structures shall be a minimum of sixty (60) feet between the closest structural points.
- K. No townhouse shall be located within thirty (30) feet of any street right-of-way line.
- L. The minimum width of a townhouse shall be twenty (20) feet.
- M. No apartment building shall be located within fifty (50) feet of any street right-of-way line.
- N. No more than twenty (20) percent of the total area of the development shall be covered by buildings.

O. No more than thirty (30) percent of the total area of the development shall be covered by impervious surfaces.

P. Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in vermin-proof containers.

Q. Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.

R. Common parking areas and access drives shall be located a minimum of twenty (20) feet from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of fifteen (15) feet from all street rights-of-way.

S. Entrance and exit ways to parking areas shall have a minimum width of twelve feet for each lane of traffic entering or leaving the areas.

T. Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Section 914.1 (Buffer Yards).

U. Entrances to and exits from common parking areas shall be located a minimum of one hundred (100) feet from the point of intersection of the nearest street curb lines.

932 SINGLE FAMILY SEMI-DETACHED DEVELOPMENTS

Single Family Semi-Detached Developments are permitted as a Conditional Use in the MDR (Medium Density Residential) Zoning District and by a Special Exception in the MHP (Mobile Home Park) Zoning District. If permitted the following conditions shall also apply:

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		On-Lot Sewage & Water Facilities		Public Sewage & Water Facilities	
Lot Area *	1 Acre	30,000 sq.ft.	12,000 sq.ft.		
Lot Width *	150 ft.	100 ft.	80 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					
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

B. In addition to these standards and specifications, all proposed developments containing single family semi-detached dwellings shall be designed and constructed in accordance with all pertinent Township Ordinances.

933 TWO-FAMILY DETACHED DWELLING DEVELOPMENTS

Two-family Detached Developments are permitted by Special Exception in the MDR (Medium Density Residential) and MHP (Mobile Home Park) Zoning Districts. If a Special Exception is granted the following conditions shall also apply:

A. Two Family Detached Developments shall comply with the minimum and maximum dimensional requirements specified below.

C. Each House shall contain complete washing and bathing facilities, and a central kitchen with complete cooking facilities. No cooking facilities of any kind shall be permitted in any rental unit.

B. A Tourist, Bed and Breakfast, Rooming or Boarding House shall not have more than five (5) rental units and shall not house more than ten (10) guests.

A. A Tourist, Bed and Breakfast, Rooming or Boarding House shall be permitted only in a single family detached, owner-occupied dwelling unit. The principal use shall remain that of a single family detached residential dwelling unit.

Tourist, Bed and Breakfast, Rooming or Boarding Houses are permitted by Special Exception in the RC (Rural Conservation), LDR (Low Density Residential) and MDR (Medium Density Residential) Zoning Districts. If a Special Exception is granted the following conditions shall also apply:

934 TOURIST, BED AND BREAKFAST, ROOMING OR BOARDING HOUSES

B. In addition to these standards and specifications, all proposed two-family detached developments shall be designed and constructed in accordance with all pertinent Township Ordinances.

Minimum Regulations		Maximum Regulations	
On-Lot Sewage & Water Facilities	Public Sewage or Water Facilities	Public Sewage or Water Facilities	Public Sewage or Water Facilities
Lot Area	2 Acres	60,000 sq.ft.	20,000 sq.ft.
Lot Width	200 ft.	170 ft.	100 ft.
Building Setback	50 ft.	50 ft.	40 ft.
Rear Yard	40 ft.	40 ft.	30 ft.
Side Yard	60 ft.	60 ft.	40 ft.
Total	30 ft.	30 ft.	20 ft.
Each Side			
Building Height	35 ft.	35 ft.	35 ft.
Lot Coverage	20 percent	20 percent	30 percent
Woodland Extr.	30 percent	30 percent	40 percent

D. A minimum of one (1) off-street parking space shall be required for each occupant and guest of the House.

E. The applicant shall provide documentation to the Board of Supervisors that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities comply with all applicable ordinances, regulations and laws of Amity Township and/or the Commonwealth of Pennsylvania.

JUNKYARD STANDARDS

935

Junkyards are a permitted use by Special Exception from the Zoning Hearing Board in the "LI" (Light Industrial) District. If a Special Exception is granted the following conditions shall apply:

A. All junk yards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.

B. A fifty (50) foot wide buffer yard shall completely surround all areas used for the storage of junk material. The buffer yard shall sufficiently screen all stored junk material and fencing from the view of adjacent property owners. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance.

C. All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. No materials of any nature shall not be piled to a height of more than six (6) feet from the ground.

D. All liquids and/or fluids shall be drained from any junk or scrapped automobiles. Liquids and/or fluids in an amount not exceeding ten (10) gallons may be stored above ground in approved containers. Gasoline which is kept on the premises shall not exceed 1000 gallons, and shall be stored above ground in a manner approved by the Pennsylvania Department of Environmental Resources (PA DER), Underwriter Laboratories and/or the State Fire Marshall. No garbage or organic waste shall be permitted to be stored on any junk yard.

Solid Waste Disposal Facilities including Landfills and Resource Recovery Facilities are permitted by special exception in the LI (Light Industrial) Zoning District. If a special exception is granted then the applicant is subject to all conditions, standards and controls listed under Sections 936.1 (Solid Waste Landfills) and 936.2 (Resource Recovery Facilities).

936.1 Solid Waste Landfills

For the purposes of this Ordinance, a "solid waste landfill" shall be defined as follows:

A site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

If a special exception is granted then the applicant is subject to all conditions, standards and controls listed below:

A. The landfill shall be owned and operated solely by the Township or a Municipal Authority by and on behalf of the Township.

B. The minimum lot area shall be fifty (50) acres.

C. The construction and operation of a sanitary landfill shall not be permitted unless a permit for such landfill has been issued by the Pennsylvania Department of Environmental Resources and the landfill is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the Rules and Regulations of the Pennsylvania Department of Environmental Resources. Operation of any solid waste landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, and the Rules and Regulations of the Department of Environmental Resources and the Regulations of the Department of Environmental Resources and the provisions of this Ordinance. In the event that any of the provisions of this part are less restrictive than any present or future Rules or Regulations of the Department, the more restrictive Department Rules and Regulations shall supersede and control in the operation of such solid waste landfill.

D. A solid waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.

E. Burning of solid waste is prohibited at a landfill. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Resources and the Township.

F. Gaseous and particulate emission from the landfill site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

G. Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the landfill. The access road shall be an all weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

H. A tire cleaning area shall be provided on-site. All tires of all trucks leaving the landfill shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

I. An equipment cleaning area shall be provided on-site. All equipment used to grade and compact solid waste at the landfill shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

J. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every solid waste landfill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.

- K. No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the landfill prior to 6:30 a.m. Overnight parking shall be prohibited.
- L. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the landfill shall be inspected for debris on a daily basis.
- M. Hazardous materials, including, but not limited to, highly flammable materials, explosives, pathological wastes, radio-active materials, shall not be disposed of in a solid waste landfill.
- N. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill.
- O. Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightly conditions or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.
- P. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25, Pennsylvania Code and applicable Township ordinances so that there is no adverse off-site impact from the drainage of surface water. Cracks in, depressions in, and/or erosion of cover shall be repaired daily.
- Q. Operation of any solid waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.
- R. An operation permit shall be obtained on an annual basis on or before June 1st.

S. A final inspection of the entire site shall be made by the Department of Environmental Resources and the Township and their authorized representative to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the solid waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two (2) years following completion of the solid waste landfill. A bond shall be posted to ensure that all corrective work is completed.

T. The initial application for a solid waste landfill shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Amity Township Board of Supervisors at the time of securing a permit for a landfill operated by the Municipal Authority. The plan shall be in compliance with the prevailing zoning at time of application.

U. Maximum active dumping area shall be three (3) acres. Continued operation of the landfill shall be subject to compliance with all state and Township regulations pertaining to landfill.

V. No operation, activity, use, or occupation of any type shall be carried on within one hundred (100) feet of any property line of the landfill or within one hundred (100) feet of any street right-of-way. In addition, a landfill shall not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.

W. The storage of fuel to be used on the landfill site shall be in accordance with all applicable federal, state and Township regulations.

X. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Resources. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

Refuse Derived Fuel (RDF) Facility: The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

Incinerator: A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Composting Facility: A facility for the composting of the organic matter in municipal solid waste.

Resource Recovery Facility: A facility or land that is used for any one or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer. A resource recovery facility shall be owned and operated by the Township or Municipal Authority by and on behalf of the Township.

For the purposes of this Ordinance, the following terms shall be defined as follows:

936.2 Resource Recovery Facilities

2. The landfill shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weigh receipts shall be submitted to the Township on a quarterly basis.

Y. A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a sanitary landfill by the Pennsylvania Department of Environmental Resources. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the landfill, except at the entrances. The selected evergreens (Section 914.3) shall have a minimum height of twelve (12) feet and shall be staggered on twelve (12) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance. A Landscaping Plan shall be submitted to the Governing Body for review and approval.

Municipal Solid Waste: The unseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

Recycling Facility: A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

Transfer Station: A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

If a special exception is granted then the applicant is subject to all conditions, standards and controls listed below:

A. The resource recovery facility shall be owned and operated solely by the Township or a Municipal Authority by and on behalf of the Township.

B. The minimum lot size shall be ten (10) acres.

C. Parking areas shall be a minimum of one hundred (100) feet from any property line.

D. Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the Rules and Regulations of the Department of Environmental Resources (PA DER) and the provisions of this Ordinance. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of PA DER, the more restrictive PA DER regulations shall supersede and control.

E. Gaseous and particulate emission from the resource recovery facility site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

- F. Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the resource recovery facility. The access road shall be an all weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.
- G. A tire cleaning area shall be provided on-site. All tires of all trucks leaving the resource recovery facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- H. An equipment cleaning area shall be provided on-site. All equipment used to grade and compact solid waste at the resource recovery facility shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- I. Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervise. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.
- J. No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the resource recovery facility prior to 6:30 a.m. Overnight parking shall be prohibited.
- K. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the resource recovery facility shall be inspected for debris on a daily basis.

- L. Hazardous materials, including, but not limited to, highly flammable materials, explosives, pathological wastes, radio-active materials, shall not be disposed of at the resource recovery facility.
- M. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited at the resource recovery facility.
- N. All parts of the process-unloading, handling and storage of municipal solid waste shall occur within a building. However, certain separated recyclable materials such as glass, aluminum, and other metals may be stored outdoors. The storage of paper shall be within a building. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- O. No municipal solid waste shall be stored at a resource recovery facility for more than seventy-two (72) hours.
- P. A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the municipality and approved by the Board of Supervisors.
- Q. Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least two hundred (200) feet from any property line and stored in leak proof containers. Such process waste shall be disposed of in a sanitary resource recovery facility approved by PA DER or in another manner approved by PA DER.
- R. Solid waste landfill operations and open burning of any materials are not permitted under this use.
- S. No use shall emit noise in such quantity as to be audible beyond its lot lines. In addition, the nuisance standards (Section 908) of this Ordinance shall be met.
- T. An operational permit shall be renewed on an annual basis on or before June 1st.

- U. No operation, activity, use, or occupation of any type shall be carried on within two hundred (200) feet of any property line of the resource recovery facility or within two hundred (200) feet of any street right-of-way. In addition, a resource recovery facility shall not be located within three hundred (300) feet of any residential zoning district or occupied residential dwelling unit.
- V. A resource recovery facility shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate such a facility.
- W. The storage of fuel to be used at the resource recovery facility site shall be in accordance with all applicable federal, state and Township regulations.
- X. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Resources. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.
- Y. A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Resources. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the resource recovery facility, except at the entrances. The selected evergreens (Section 914.3) shall have a minimum height of six (6) feet and shall be staggered on ten (10) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance. A Landscaping Plan shall be submitted to the Governing Body for review and approval.
- Z. The resource recovery facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weigh receipts shall be submitted to the Township on a quarterly basis.

Adult Business Uses are a permitted use by Conditional Use in the HC (Highway Commercial) Zoning District. If a Conditional Use is granted by the Board of Supervisors then the applicant is subject to all conditions and standards specified below:

A. No adult business use shall be located within 1,000 feet of any other existing adult business use, as measured from the property lines on which the adult business use is proposed to be located.

B. No adult business use shall be located within 200 feet (measured from the property line) of any residential zoning district.

C. No adult business use shall be located within 500 feet (measured from the property line) of any churches, monasteries, chapels, convents, rectories, public playgrounds, public parks, public swimming pools, public libraries.

D. No adult business use shall be located within 1,000 feet (measured from the property line) of any schools up to or including the twelfth grade or equivalent, and their adjacent recreation areas.

E. All storage and displays shall be located within the building.

F. All business transactions that are conducted on the premises shall be within an enclosed building. All adult business uses shall operate between the hours of 9:00 a.m. and 9:00 p.m.

G. All applications for adult business uses shall be accompanied by a site plan. The minimum information required on the site plan shall include:

The adult business use intended.

The location and elevation of all buildings, structures, walls, fences and landscaping on the site.

Off-street parking areas and traffic circulation patterns.

The location, dimensions and content of all signs, displays and advertising.

H. Applications for adult business uses shall include a statement providing specific information on each individual, partner, store manager(s), corporate officer, corporate director, or corporate stockholders owning more than three percent (3%) of the issued and outstanding stock of a corporate applicant, comprising the Applicant, to include the following:

Complete Name;

Residential Address;

Telephone Number

I. In the event of the proposed sale, resale or reassignment of interest of an adult business use established under the terms of this Ordinance, the Board of Township Supervisors shall be notified of such proposed change of ownership. Such notification shall include the documentation required in sub-Section "H" of this Section. Failure to notify the Board shall constitute grounds for the termination or revocation of the conditional use permit.

J. In addition to other applicable regulations of Amity Township and state laws, the following shall apply to all adult business use signs and other visible messages:

Sign messages shall be limited to written descriptions of material or services available on the premises.

Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.

Advertisements, displays or other promotional materials related to specific sexual activities or anatomical area shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

Adult business uses shall be limited to two (2) square feet in sign area, with lettering on said signs not exceeding four (4) inches in height.

The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

Shopping Centers are a permitted use by right in the SCC (Shopping Center Commercial) Zoning District and shall be subject to all conditions and standards specified below:

A. Shopping Centers shall consist of harmonious land uses, structures and services.

B. Shopping Centers shall be in single ownership or under a guaranteed unified management control. The shopping center must have at least one (1) on-site manager. The owner shall provide the Township with a complete list of on-site managers on an annual basis. The list should include the name, address and telephone number of each on-site manager.

C. Permitted uses shall include retail business establishments; personal business establishments; business, professional or banking offices; restaurants, cafes or similar use; and accessory uses associated with shopping centers.

D. All means of ingress and/or egress shall be located at least 200 feet from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (Penn D.O.T.) or the Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, County and/or Penn D.O.T.

E. Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

F. Lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.

G. All lot lines shall be screened by a buffer yard with a minimum depth of 20 feet. The buffer yard shall be consistent with standards specified under Section 914.1 (Buffer Yards) of this Ordinance.

H. Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be airtight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 30 feet from any lot line.

I. All signs shall be consistent with Section 927 of this Ordinance.

J. All proposed Shopping Centers shall conform to the area, yard and height regulations that are specified under Section 406.4 of this Ordinance.

K. All proposed Shopping Centers, including all expansions, additions and/or revisions are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance.

939 PROFESSIONAL OFFICE/RESEARCH PARK

Professional Office/Research Parks are a permitted by Conditional Use in the LI (Light Industrial) Zoning District and by a Special Exception in the SCC (Shopping Center Commercial) Zoning District. All proposed Professional Office/Research Parks shall be subject to all pertinent conditions and standards specified below:

A. Office/Research Parks shall consist of harmonious land uses, structures and services.

B. Permitted uses shall include business, professional or governmental offices; laboratory and research facilities; and accessory uses associated with Office/Research Parks.

C. Retail business and service establishments are permitted provided they are designed and intended primarily to serve the employees within the Office/Research Park. These uses shall not exceed 5 percent of the gross floor area of the Office/Research Park.

- D. All means of ingress and/or egress shall be located at least 200 feet from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (Penn D.O.T.) or Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, County and/or Penn D.O.T.
- E. Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- F. Lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.
- G. All lot lines shall be screened by a buffer yard with a minimum depth of 20 feet. The buffer yard shall be consistent with standards specified under Section 914.1 (Buffer Yards) of this Ordinance.
- H. Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be airtight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 30 feet from any lot line.
- I. All signs shall be consistent with Section 927 of this Ordinance.
- J. All proposed Office/Research Parks shall conform to the individual area, yard and height regulations that are specified under Section 407.5 of this Ordinance.
- K. All proposed Office/Research Parks, including all expansions, additions and/or revisions are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance.

Industrial Parks are a permitted by Conditional Use in the LI (Light Industrial) Zoning District and shall be subject to all conditions and standards specified below:

A. Industrial Parks shall consist of harmonious land uses, structures and services.

B. Permitted uses shall include manufacturing activities; printing and publishing facilities; warehouse facilities; wholesale and distribution facilities; business, professional or governmental offices; laboratory and research facilities; and accessory uses associated with Industrial Parks.

C. Retail business and service establishments are permitted provided they are designed and intended primarily to serve the employees within the Industrial Park. These uses shall not exceed 5 percent of the gross floor area of the Industrial Park.

D. All means of ingress and/or egress shall be located at least 200 feet from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (Penn D.O.T.) or Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, County and/or Penn D.O.T.

E. Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

F. Lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.

G. All lot lines shall be screened by a buffer yard with a minimum depth of 20 feet. The buffer yard shall be consistent with standards specified under Section 914.1 (Buffer Yards) of this Ordinance.

H. Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be airtight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 30 feet from any lot line.

I. All signs shall be consistent with Section 927 of this Ordinance.

J. All proposed Industrial Parks shall conform to the individual area, yard and height regulations that are specified under Section 407.5 of this Ordinance.

K. All proposed Industrial Parks, including all expansions, additions and/or revisions are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance.

QUARRYING AND MINING OPERATIONS

941

Quarrying and mining operations are a permitted use by District. If a Special Exception is granted then the applicant is subject to all conditions and standards specified below:

A. The minimum lot size shall be ten (10) acres.

B. Quarrying and/or mining activities shall not be conducted within two hundred (200) feet of any property line, within two hundred (200) feet of any street right-of-way, within three hundred (300) feet of any residential zoning district, and/or within three hundred (300) feet of any occupied residential dwelling unit.

- C. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six (6) feet high and shall be kept in good repair.
- D. No site activity shall be permitted on Sundays or legal holidays. All operations shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at entrance and/or access road of the site prior to 6:30 a.m. Overnight parking shall be prohibited.
- E. Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- F. Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- G. A tire cleaning area shall be provided on-site. All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- H. A chain link fence with a minimum height of fifteen (15) feet shall be erected along all boundary lines of the area which is approved for operational use as a quarry or mine. The fence shall not contain openings greater than four (4) square inches and shall contain at all entrances, gates which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than one hundred (100) feet.

- I. A fifty (50) foot wide buffer yard shall completely surround all areas approved for operational use as a quarry or mine. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens (Section 914.3) shall have a minimum height of six (6) feet and shall be staggered on ten (10) foot centers. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 914.1 of this Ordinance. A Landscaping Plan shall be submitted to the Governing Body for review and approval.
- J. All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall be permitted between the hours of 1:00 p.m. and 5:00 a.m. and shall not be permitted on Sundays and legal holidays. Notice of all blasting operations shall be given at least twenty-four (24) hours prior to the commencement of blasting to the Township and to the occupants of all properties within a radius of one (1) mile of the location of blasting. In addition, notice shall be given to all sensitive business ventures requesting such notice. The storage of explosives shall be in accordance with all pertinent federal, state and local laws.
- K. Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
- L. No substances which can harm persons, animals, vegetation, or other form of property shall be dispersed beyond the property lines of the quarrying or mining operation.

B. All land designated as "wetlands" within Amity Township are subject to restrictions and/or permits by the Pennsylvania Department of Environmental Resources and United States Army Corps of Engineers.

The three major characteristics of wetlands include vegetation, soil and hydrology.

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

The three major characteristics of wetlands include vegetation, soil and hydrology.

A. The U.S. Army Corps of Engineers in conjunction with the United States Environmental Protection Agency have defined the term "wetlands" as follows:

WETLANDS

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O. All proposed quarrying and mining activities are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance.

N. All requirements of Federal, State and municipal statutes, ordinances and regulations pertaining to the operation of quarrying and mining operations shall be complied with. A copy of all permits and licenses shall be filed with the Township.

M. Quarrying or mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. When required by the Township Board of Supervisors, a hydrologic study shall be submitted to the Township, which shall indicate the impact of the surface mining activity on the ground water supplies and quality in the area of the operations.

- A. The use of solar energy systems, including solar collectors, storage facilities, and distribution components, for space heating and cooling, and hot water heating, is a permitted use in all zoning districts.
- B. All developments and/or structures shall be oriented to the fullest extent possible to maximize the use of passive and/or active solar applications as would be appropriate for the site.
- C. Solar energy collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations specified for the zoning district.
- D. Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six (6) feet into required yard setbacks provided that they are not located within six (6) feet of any property line.
- E. Detached solar collectors used solely for such purposes shall be considered permissible accessory structures in all zoning districts.

943.1 General Standards

943 SOLAR ENERGY SYSTEMS

- C. For all subdivision and land development applications, the Township Engineer shall determine whether a wetlands delineation will be required by a qualified professional. Delineated wetlands shall be accompanied by a technical report and data forms.
- D. For all zoning districts, a 50 foot buffer zone shall be applied to all areas delineated as wetlands. Within this 50 foot buffer zone no earth disturbance will be permitted without the required State and Federal Permit approval.
- E. If the applicant disputes any provisions specified under this Section, the applicant shall be responsible for an Army Corps of Engineers and/or Environmental Protection Agency Jurisdictional Determination. All pertinent costs incurred shall be the responsibility of the applicant and not the Township.
- F. The areas delineated as wetlands shall not be calculated as part of the net lot area.

943.2 Solar Access

- A. To obtain solar access protection, the owner of a solar collector shall file a statement with the zoning officer that a solar energy system has been installed. At such time, the owner shall also document that he has located his solar collector on his property to obtain maximum protection from future lawful buildings or structures located on adjoining properties. In addition, the owner shall document the land and airspace which must remain open to assure adequate solar access to his collector.
- B. The solar collector shall be used as part of the functioning solar energy system.
- C. After the effective date of this Ordinance, no one shall erect a building or other structure, and/or plant a tree, shrub, or other flora, so as to block a solar collectors access to solar energy between the hours of 9:00 a.m. and 3:00 p.m.

ARTICLE X

NONCONFORMITIES

1001 APPLICATION AND INTENT

A. Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments thereto.

B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on.

1002 NONCONFORMING LOTS OF RECORD

A. Any lot shown on a recorded subdivision plan on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for a use permitted by use regulations of that District provided that all yard, height, coverage, and open space requirements of the Zoning District shall be met, provided, however, that when a subdivider has had an application for approval of a preliminary or final Subdivision Plan approved prior to the effective date of this Ordinance, no provision and/or regulation in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved preliminary or final plan within such time periods as are established within the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files within thirty (30) days of date of discontinuance, a certificate of intention to maintain such use. If such certificate is filed the time period which a nonconforming use may be discontinued and still be reestablished shall be extended by a twelve (12) month period.

1003.2 Discontinuance

A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

1003.1 Extension

Lawful uses of land, which at the effective date of this Ordinance or subsequent amendment thereto become nonconforming, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the provision listed with the following sub-sections.

1003 NONCONFORMING USES OF LAND

B. Any lot held in single and separate ownership on the effective date of this Ordinance or after the enactment of subsequent amendments thereto which does not meet the minimum size or width requirements of the Zoning District in which it is located may be used for any use permitted in that district provided that all yard, height, coverage, and open space requirements of the District are met; provided, however, that if two or more lots, combination of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

1003.3 Changes or Moving of Use

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may be changed to a conforming use or to a nonconforming use of a less offensive nature. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Ordinance.

1003.4 Additional Structures

No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

1004 NONCONFORMING STRUCTURES OR BUILDINGS

Lawful nonconforming structures or buildings which at the effective date of this ordinance or subsequent amendment thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structures, may be continued as long as they remain otherwise lawful, subject to the provisions listed in the following sub-sections.

1004.1 Enlargement

A. A non-conforming use, building, or structure shall not be enlarged or increased upon land not owned, leased or under option to purchase at the time of the enactment of this Ordinance.

B. A non-conforming building or structure shall not be enlarged, increased, repaired, maintained, or modified in any manner which will further violate any applicable Area, Yard, and Height Regulation imposed by this Zoning Ordinance, except that a principle which existed at the effective date of this Ordinance which is non-conforming 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, provided that no repair, improvement, modification and/or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of the Ordinance.

A. An existing structure devoted to a use not permitted by this Ordinance in the district where it is located may be enlarged, extended, constructed, reconstructed, or structurally altered up to but not more than twenty five (25) percent of its floor and/or use area as it existed at the time of the passage of this Ordinance or subsequent amendment, provided that the lot or lots upon which the nonconforming structure is situated where in single ownership or long-term lease (ten years or more) and purchased or leased prior to the enactment or amending of this Zoning Ordinance.

1005.1 Enlargement

Lawful nonconforming structures or buildings, or structures or buildings and in combination, which exist at the effective date of this Ordinance or subsequent amendments thereto, that would not be allowed in the district under the terms of this Ordinance, may be continued so long as it remains otherwise lawful, subject to the provisions listed in the following sub-sections.

1005 NONCONFORMING USE OF STRUCTURES OR BUILDINGS OR OF BUILDINGS AND LAND IN COMBINATION

No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1004.3 Moving of Structure

A non-conforming building or structure which has been damaged by fire, explosion, accident and/or calamity may be reconstructed and used for the same non-conforming use, provided that the reconstructed building or structure does not exceed the area, volume and height of the destroyed buildings or structure. In addition, building reconstruction shall be started within one (1) year from the date the building or structure was destroyed and shall be carried through without interruption.

1004.2 Damage or Destruction

C. Total future expansion of a non-conforming use shall not exceed fifty (50) percent of the area occupied by the use at the time of the effective date of this Ordinance.

Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land and use. Destruction for the purpose of this sub-section is defined as damage to an extent of more than seventy five percent (75%) of the market value at the time of destruction.

1005.4 Destruction

Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

1005.3 Discontinuance

A nonconforming use of a structure, or premises and structure, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such determination shall be made by a Special Exception granted from the Zoning Hearing Board which shall take into consideration, among other things, the intent of the provisions for the district.

1005.2 Change of Use

B. Any enlargement, extension, construction, reconstruction, or structural alteration must conform to all other regulations of the Zoning District in which it is located. This provision may be used only once for each nonconforming structure.

C. Any nonconforming use may be extended throughout the building which was in use for the nonconforming use at the time of adoption of this Ordinance but no such use shall be extended to occupy any land outside such building unless provided for under this Section.

1006 UNSAFE OR UNLAWFUL STRUCTURES

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe due to lack of repairs and maintenance, and is declared by an duly authorized official appointed by the Board of Township Supervisors to be unsafe by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

1007 PERMITTED SPECIAL EXCEPTION USES

Any use which is permitted as a special exception in a zoning district under the terms of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such Zoning District, but shall without further action be considered a conforming use.

1008 REGISTRATION OF NONCONFORMITIES

To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses, structures and buildings. Such a listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said property and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

1009 CERTIFICATION OF INTENTION

A. A Certificate of Intention shall be required in all instances where a nonconforming use of land or nonconforming use of a structure or building, is discontinued if the owner or operator of such uses desires to maintain such a nonconforming use.

B. The Zoning Officer shall maintain proper forms for the registration of any Certificate of Intention. It shall be incumbent upon the owner or applicant to file such a form with the Zoning Officer. The filing of such form shall be considered a ministerial duty of the Zoning Officer, who shall not refuse to accept the completed form.

C. The Zoning Officer shall maintain a record of all Certificates of Intention.

D. Each Certificate of Intention shall be valid for three (3) years.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

1101 GENERAL PROCEDURES

A. Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Township Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee.

B. The Zoning Officer shall either issue the Zoning Permit or shall refuse the Permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or the Board of Supervisors, and/or the recommendations of the Planning Commission.

C. If refused a Permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.

D. After the Zoning Permit has been received by the applicant, he may undertake the action permitted by the Zoning Permit.

E. Upon completion of such action, the applicant may apply to the Township Zoning Officer for an Occupancy Permit (where such a permit is required).

F. If the Zoning Officer finds that the action of the applicant is in accordance with the Zoning Permit and any other required permits, he shall issue an Occupancy Permit allowing the premises to be occupied.

1102 PERMITS AND CERTIFICATES

1102.1 Zoning Permit

A. No person shall erect, alter, convert, move or add to any building, structure or sign, or alter the use of any land or structure, until the Zoning Officer issues a Zoning Permit to the person/applicant for said change or construction. No zoning permit is required for normal maintenance and repairs.

B. A Zoning Permit for a Permitted Use may be issued by the Zoning Officer. A Zoning Permit for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order and consent of the Zoning Hearing Board after all hearing procedures. An applicant for a Special Exception Variance, or for interpretation of any part or provisions of this Ordinance shall be made to the Zoning Hearing Board on forms which may be obtained from the Township Secretary. Any uses permitted by right or by Special Exception that is subject to any conditional uses to those applicable provisions which may apply to the use. The Board of Supervisors and Planning Commission shall regulate all conditions specified under Article IX.

C. All applications shall be made in writing and shall be accompanied by 3 sets of plans indicating or illustrating the following information if applicable:

Actual dimensions and shape of the lot to be built upon prepared by a licensed surveyor or engineer!

The exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto prepared by a licensed surveyor or engineer!

The number of dwelling units if applicable;

Parking spaces provided and/or loading facilities;

Statement indicating the existing or proposed use;

Height of structure, building or sign;

All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance;

A detailed scaled drawing of the signs showing intended location and stating how it shall be affixed;

A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used;

A. A Certificate of Use and Occupancy shall be required upon the completion of the work authorized. It shall be unlawful to use and/or occupy any structure, building and/or portions thereof in any manner until a Certificate of Use and Occupancy has been issued by the Zoning Officer.

B. The application for Certificate of Use and Occupancy shall be submitted on such form as the Zoning Officer may prescribe.

1102.2 Certificate of Use and Occupancy

F. Zoning permits shall expire within six (6) months from date of issuance, if the work described in any permit has not begun. If work described in any zoning permit has begun, said permit shall expire after one (1) year, exclusive of any time required for administration and permitting, from date of issuance thereof, within which time said work shall be completed.

E. Approval or denial of the requested Zoning Permit shall be made not later than thirty (30) days from the date of application. In denying a zoning application the Zoning Officer shall inform the applicant of the reasons for denial and specify the provision(s) of the Zoning Ordinance which have not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.

D. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approval or disapproval and attested to the same by his signature on such copy. One (1) copy of such plans shall be retained by the Zoning Officer for his permanent records and one (1) copy shall be retained by the Board of Supervisors.

A written agreement that the sign shall be erected according to the accompanying plans and specifications.

A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the application has obtained the consent of the owner or lessee of such premises to erect such sign; and

A written agreement that the sign shall be erected

A. The Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office that conflicts with his or her normal duties.

B. The Zoning Officer or staff shall continue to serve the Township until such time as the Board of Supervisors declares otherwise.

1103.1 Appointment

1103 ZONING OFFICER

A. The owner of the premises occupied by a lawful nonconforming use or structure may secure a Certificate of Nonconforming Use or Structure from the Zoning Officer.

B. Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

1102.3 Certificate of Nonconforming Use or Structure

E. In zones in which performance standards are imposed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with the Zoning Performance Standards. After said reinspection the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance standards and that the Certificate of Use and Occupancy is permanent or that the facility does not comply and that the Certificate of Use and Occupancy is still temporary. In no case shall a temporary Certificate of Use and Occupancy extend 90 days past the date of reinspection.

D. Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

C. The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, a Certificate of Use and Occupancy shall be issued.

1103.2 Duties and Powers

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended, and shall have such duties and powers as are conferred by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

A. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.

B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent to each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as the structures, etc., remain in existence.

C. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.

D. Issue permits for special exception uses, conditional uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board or Governing Body in accordance with the regulations of this Ordinance.

E. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.

F. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.

G. Identify and register nonconforming uses, nonconforming structures and nonconforming signs.

H. Perform such other duties as may be required for the administration of the Zoning Ordinance.

1103.3 Notice of Violations

The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this ordinance, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with, the Zoning Officer is hereby authorized to file a complaint with the district magistrate located closest to the site of the alleged violation.

1104 ZONING HEARING BOARD

1104.1 Creation and Membership

A. The Township Supervisors hereby create a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and serve and shall perform all the duties and have all the powers as prescribed by said Code and this Ordinance.

B. The Township Supervisors may appoint alternate members of the Board pursuant to the provisions of the Code, as amended. The alternate members may serve as provided in the Code.

1104.2 Organization

A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1105. The Board may make, alter, and rescind rules and forms for its procedures, consistent with the Ordinances of the Township and laws of the State. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.

The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended. The jurisdiction of the Zoning Hearing Board and the Township Supervisors, and the procedures to be followed by each, shall be as established in said Code.

1105 FUNCTIONS OF THE ZONING HEARING BOARD

The Board shall act in strict accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and as it may be amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the ordinance, the use for which a special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and Planning Commission to review and comment on the application prior to rendering a decision.

1104.4 Procedures for Application

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

1104.3 Expenditures and Compensation

B. All meetings of the Board shall be open to the public. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors once a year.

1105.1 Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and Planning Commission to review and comment on the application prior to rendering a decision. The Board may grant a variance provided that all the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

C. That such unnecessary hardship has not been created by the appellant;

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

E. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1105.2 Special Exceptions

The Board shall hear and decide, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and Planning Commission to review and comment on the application prior to rendering a decision.

A. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception.

B. Such Special Exception shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.

C. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

D. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

E. Services and utilities shall be made available to adequately service the proposed use by the applicant.

F. The granting of the Special Exception shall be consistent with the Township Comprehensive Plan.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

1106 HEARINGS

1106.1 Procedures

- A. Public notice as defined by law and written notice shall be given to the public, the applicant, adjoining property owners of the applicant property, the zoning officer, such other persons as the Township Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition to the written notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Township Supervisors may prescribe reasonable fees consistent with the Pennsylvania Municipalities Planning Code (Act 247), as amended.
- C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. In all cases, the parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. The chairman or acting chairman of the board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel. All such representation shall be confirmed on the record and all statements presented on behalf of said party shall be binding for the purposes of administration and enforcement. All parties shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advise from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to the final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the board fails to render the decision within the period required by this sub-section, or fails to hold the required hearing within sixty days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in sub-section A of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the sub-section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

1107 AMENDMENTS

1107.1 Initiation of Amendments

Proposals for amendment, supplement, change, re-zoning, modification or repeal may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission or by request of owners of property subject to the following provisions:

A. Proposals Initiated by the Board of Supervisors - The Board of Supervisors shall refer to every proposed amendment, supplement, change, modification, re-zoning or repeal originated by them to the Township Planning Commission at least thirty (30) days prior to the hearing on said proposal. The Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additional or modifications to the original proposal.

B. Proposal Originated by the Township Planning Commission - The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, re-zoning, modification, or repeal of this Ordinance.

C. Proposals Initiated by Others - In the case of amendment, supplement, change, modification, or re-zoning proposed by other than the Board of Supervisors or Township Planning Commission, such proposal shall be submitted to the Supervisors, together with any application forms or fees as may be required by the Supervisors. Such proposal shall be referred to the Township Planning Commission for review and recommendation at least thirty (30) days prior to the hearing on the proposal.

1107.2 Referral to County Planning Agency

At least thirty (30) days prior to the hearing on the proposed ordinance amendment, re-zoning, modification, change, or supplement, the Board of Supervisors shall submit the proposal to the county planning agency for its recommendations.

1107.3 Hearings

A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. No such amendment shall become effective until such hearing, at which parties in interest and citizens shall have an opportunity to be heard.

B. If, after any public hearing held on an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

C. Public notice, as defined in Act 247, as amended, shall be given of the time, place, and the general nature of such hearing and shall be published in a newspaper of general circulation in the Township. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principle provisions in reasonable detail, and a reference to a place where copies of the proposed ordinance or amendment may be examined.

1107.4 Post Enactment Procedures

A. After enactment, if the advertisement of a zoning ordinance amendment is required by other laws respecting the advertisement of ordinances, such place or places within the Township where copies of the amendment are available for examination without charge or may be obtained for a charge not greater than the cost thereof.

B. Amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly reported therein.

C. Within 30 day of enactment, the Township shall forward an endorsed copy of the amendment to the Berks County Planning Commission.

1108 CURATIVE AMENDMENTS

1108.1 Procedure for Landowner Curative Amendments

A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Code (Act 247, as amended).

B. The Board of Supervisors shall commence a hearing thereon within 60 days of the request unless the landowner requests a consent to an extension of time.

C. The curative amendment shall be referred to the Township Planning Commission and County Planning Commission at least 30 days prior to the hearing to provide both agencies with an opportunity to submit recommendations.

D. The hearing shall be conducted in accordance with procedures established in Section 609.1 of Act 247, as amended.

E. Within 30 days of enactment of a Curative amendment, the Township shall forward an endorsed copy of the ordinance/amendment to the Berks County Planning Commission.

1108.2 Procedure for Municipal Curative Amendments

A. Pursuant to Section 609.2 of Act 247, as amended, the Township, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose the preparation of a curative amendment to overcome such invalidity. Within 30 days the Board of Supervisors shall:

By resolution, make specific findings setting forth the declared invalidity of the zoning Ordinance. This may include references to specific uses which are either not permitted or not permitted in sufficient quantity; reference to a class of uses which require revision; or reference to the entire ordinance which requires revisions. Begin to prepare and consider a curative amendment to correct the declared invalidity.

- A. Four (4) copies of an application for permission to conduct a use permitted by condition shall be submitted to the Township Secretary. Such application shall include all information specified for a zoning permit application and any other information necessary to allow the Township Board of Supervisors to determine that all requirements of this Ordinance have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.
- B. After receiving an application, the Board of Supervisors shall refer one copy of the application to the Township Planning Commission for its review and one copy to the Township Zoning Officer for his review.
- C. The application shall be reviewed at one or more advertised meetings of the Township Board of Supervisors.

1109 CONDITIONAL USES

- E. Within 30 days of enactment, the Township shall forward an endorsed copy of the ordinance/amendment to the Berks County Planning Commission.
- D. If, after the date of declaration and proposal there is a substantially new duty or obligation imposed on the Township by statute or Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to the Zoning Ordinance to fulfill said duty or obligation.
- C. Following the date of enactment of a curative amendment, or reaffirmation of the Zoning Ordinance, the Township may not again utilize the curative amendment procedure for a thirty-six (36) month period.
- B. Within one-hundred and eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to the Zoning Ordinance or reaffirm the validity of its Zoning Ordinance. The established procedures required by Section 609 of Act 247, as amended, shall govern the process of enactment of the curative amendment.

D. Conditional uses shall meet the specific standard established for each use by this Ordinance and all other applicable Zoning District requirements and general regulations established by this Ordinance. In addition, the following standards shall be met:

The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.

The use conforms with the goals, objectives and policies of the Comprehensive Plan.

The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township Ordinances.

The use conforms with all pertinent State and Federal laws, regulations and requirements.

Services and utilities shall be made available to adequately service the proposed use.

The use will not generate traffic such that hazardous or unduly congested conditions will result.

The use is appropriate to the site in question.

The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

E. The Board of Supervisors shall either approve or disapprove the application within ninety (90) days after the date the application is received by the Township Secretary.

F. The Township Supervisors may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

G. The granting of permission to conduct a use permitted by condition does not exempt an applicant from acquiring all approvals required by the Township's Subdivision and Land Development Ordinance.

1110 APPEALS

All appeals for securing review of this Ordinance or Supervisors, its agencies or officers issued pursuant to this Ordinance shall, in accordance with all applicable Sections of Act 247, as amended. Question of an alleged defect in the process of enactment or adoption of this Ordinance shall be raised by an appeal taken directly from the action of the Board of Supervisors to the court file not later than 30 days from the effective date of the Ordinance or map.

1111 FILING FEES AND COSTS

A. The Governing Body shall establish a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Ordinance.

B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body.

C. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

1112 REMEDIES AND PENALTIES

1112.1 Remedies

In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Ordinance, the Governing Body, or, with its approval the Zoning Officer, in addition to other remedies, may institute in the name of the Municipality any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

1112.2 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding by a municipality, pay a minimum judgement of twenty five (25) dollars up to a maximum of five hundred (500) for a first offense and a minimum of one hundred (100) dollars up to a maximum of five hundred (500) dollars for each consecutive offense. In addition to the judgement, the liable party shall be responsible for paying all court costs, including reasonable attorney fees incurred by the municipality as a result of the violation. Each day that the violation is continued shall constitute a separate offense. All fines collected for the violation of this Zoning Ordinance shall be paid over to Amity Township. All fines and penalties may be collected by suit or summary proceeding brought in the name of the Township before any district justice or other appropriate court with jurisdiction.

1113 EFFECTIVE DATE

This Ordinance shall become effective seven (7) days after the enactment of this Ordinance.

1114 ENACTMENT

Duly enacted by the Board of Supervisors of Amity Township, Berks County, Pennsylvania, this _____ day of _____, 1991.

**BOARD OF SUPERVISORS OF
AMITY TOWNSHIP**

BY:

Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

ATTEST:

Secretary

