

ORDINANCE NO. 269

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 202 ENTITLED "SPECIFIC TERMS" OF PART 2 ENTITLED "DEFINITIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES, TO ESTABLISH DEFINITIONS FOR COMPOUNDING, LIGHT MANUFACTURING AND RECYCLING FACILITY; AMENDING IN ITS ENTIRETY SECTION 301 ENTITLED "ESTABLISHMENT OF ZONING DISTRICTS" AND SUBSECTION A OF SECTION 302 ENTITLED "ZONING MAP AND ZONING DISTRICTS" OF PART 3 ENTITLED "ZONING MAP AND ZONING DISTRICTS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES, TO INCLUDE PBOI - PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT AND TO VERIFY THE ADOPTION OF THE OFFICIAL ZONING MAP; AMENDING PART 4 ENTITLED "ZONING DISTRICT REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES BY ADDING A NEW SECTION 408, ENTITLED "PBOI - PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT" TO ESTABLISH PURPOSE, USES PERMITTED BY RIGHT, USES PERMITTED BY CONDITIONAL USE, AREA, YARD AND HEIGHT REGULATIONS, GENERAL DEVELOPMENT REGULATIONS, STANDARDS FOR APPROVAL, SUBMISSION OF APPLICABLE RESTRICTIONS AND DOCUMENTS, LAND DEVELOPMENT PLAN, AND SUPPLEMENTARY REGULATIONS; AMENDING THE ZONING MAP OF THE TOWNSHIP OF AMITY TO ADD THE PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT (PBOI); AMENDING THE ZONING MAP OF THE TOWNSHIP OF AMITY TO INCLUDE THE PROPERTIES KNOWN AS TAX I.D. 535506396569; 535510452073; 535510458113; 535511550124; 535511550712; 535511551280; 535511552940; 535511553364; 535511555550; 535511558678; 535511568069; 535511574197; 535511660562; 535513037103; 535513134608; 535513240796; 535514343293; 535514445177; 535517020223; 535517022109; 535517121449; 535603410274; 535603401660 IN THE PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT (PBOI) AND REMOVE THEM FROM THE LOW DENSITY RESIDENTIAL DISTRICT (LDR); ADD A PORTION OF THE PROPERTY KNOWN AS TAX I.D. 535517011755 TO THE PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT (PBOI) AND REMOVE IT FROM THE LOW DENSITY RESIDENTIAL DISTRICT (LDR); ADD THE PROPERTY KNOWN AS TAX I.D. 535509153817 TO THE PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT (PBOI) AND REMOVE IT FROM THE LOW DENSITY RESIDENTIAL DISTRICT (LDR) AND THE RURAL CONSERVATION DISTRICT (RC); AND AMENDING PART 5 ENTITLED "DESIGN STANDARDS AND REQUIRED IMPROVEMENTS OF CHAPTER XXVII ENTITLED

"SUBDIVISION AND LAND DEVELOPMENT" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES BY ADDING A NEW SECTION 521 ENTITLED "STANDARDS FOR DEVELOPMENTS IN THE PLANNED BUSINESS/OFFICE/INDUSTRIAL DISTRICT" TO ESTABLISH GENERAL DEVELOPMENT REGULATIONS AND ARCHITECTURAL STANDARDS

WHEREAS, the Board of Supervisors of the Township of Amity desires to amend Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances; and

WHEREAS, zoning amendments are authorized by Section 609 of the Pennsylvania Municipalities Planning Code, as amended and Section 1107 of Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances.

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

SECTION 1. Section 202, entitled "Specific Terms", of Part 2, entitled "Definitions", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of Ordinances is hereby amended by adding thereto the following new definitions in alphabetical order:

Compounding. To make or form by combining parts or elements.

Light Manufacturing. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with only screened outside storage, serviced by modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

Recycling Facility. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

SECTION 2. Section 301, entitled "Establishment of Zoning District" of Part 3 entitled "Zoning Map and Zoning Districts", of Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

"Section 301. Establishment of Zoning Districts. For the purpose of this Chapter, 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/O	Light Industrial/Office District
PBOI	Planned Business/Office/Industrial District"

SECTION 3. Subsection (a) of Section 302 entitled "Official Zoning Map" of Part 3 entitled "Zoning Map and Zoning Districts", of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

"(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 Chapter. 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 bear 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 December 15, 2010 as part of the Amity Township Zoning Ordinance of 1991, as amended."

SECTION 4. Part 4, entitled "Zoning District Regulations", of Chapter XXXII, entitled "Zoning", of Amity Code of Ordinances is hereby amended by adding thereto the following zoning district:

"Section 408. PBOI - Planned Business/Office/Industrial District.

(a) Purpose. The purpose of the Planned Business/Office/Industrial District is to establish an appropriate location and development standards which are intended to:

(1) Provide for business, office and light industrial development in a unified, attractive, campus-like environment. Multiple uses on a single tract shall be permitted and encouraged.

(2) Promote high quality visually attractive and environmentally responsible site and building design, while providing for maximum flexibility.

(3) Provide design standards that are intended to require maximum attention to proper site design including the location and design of structures, parking areas, environmentally sensitive areas, vehicular and pedestrian circulation facilities, storm water management facilities, landscaping, etc.

(4) Encourage business, office and light industrial development which will provide an economic base and high quality jobs for Amity Township.

(5) Provide for business, office and light industrial development uses that will have minimum impact on the environment and adjacent residential uses.

(b) Uses Permitted by Right. The following, as a single principal use or as uses in combination and their accessory uses shall be permitted by right in the Planned Business/Office /Industrial District, provided that the use, type, dimensional and all other applicable requirements of this Ordinance have been satisfied:

(1) Business, professional or governmental offices.

(2) Light metal manufacturing processes, including metal finishing, grinding, polishing and heat treatment, metal stamping and extrusion of small products, the assembly, manufacture, repair and/or servicing of small electrical and/or electronic appliances, equipment and supplies, and the manufacture of light machinery such as business and office machines.

(3) Light manufacture of paper and wood products, ceramic products and plastic and/or rubber products.

(4) Light manufacture, compounding, assembly, processing, packaging and bottling of food products and beverages, cosmetics, pharmaceuticals, medicine and personal care products (excluding cleaning solutions), and products from previously prepared materials (excluding dyeing, chemical treatment, chemical preservation or concrete or asphalt product manufacturing).

(5) Printing, binding and publishing facilities.

- (6) Laboratory for scientific or industrial research, testing, experimentation and/or development.
- (7) Hotel and/or conference center.
- (8) Health club containing amenities such as a swimming pool, spa, indoor track, exercise equipment and sports courts.
- (9) Adult daycare and child daycare.
- (10) Fire station and emergency medical services facility.
- (11) Public uses, structures or buildings owned and operated by Amity Township, not including sanitary landfills, recycling facilities and trash transfer stations.
- (12) Restaurants and similar types of eating establishments.
- (13) 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.
- (14) Business services such as copying, office equipment sales/service and printing.
- (15) Warehouse and distribution facilities so long as the same are operated in conjunction with another use permitted by right within this Section and operating within the PBOI District. Truck terminal and fuel distribution are not permitted.
- (16) Dry cleaning, laundry and clothes pressing plants.

(c) Uses Permitted by Conditional Use. The following are permitted in the Planned Business/Office/Industrial District when a conditional use is granted by the Board of Supervisors subject to and in accordance with Part 11 of this Chapter.

- (1) Heliport. Subject to Section 908 of this Chapter so long as the same are operated in conjunction with another use permitted by right in this Section and operating within the PBOI District. The heliport itself shall be subject to all area, yard and height regulations set forth in this Section and all other provisions of the Amity Township Zoning Ordinance and Subdivision and Land Development Ordinance.

(2) Interior service and convenience uses including, but not limited to, restaurant, specialized retail sales, barber/beauty shop, photo copy service, pharmacy and optician. All interior service and convenience uses shall not occupy more than a total of 20% of the total floor area of the building in which they are located.

(3) Complete Truck Fleet Management, including leasing, financing, and maintenance, and operations management consulting.

(d) Area, Yard and Height Regulations. Each of the following minimum and maximum requirements shall apply to each tract of land developed in the Planned Business/Office/Industrial District, except as specifically provided for in this Chapter.

Minimum Regulations

Construction Site Area	40 acres
Construction Site Contiguous Lot Width	200 feet
Building Setbacks	
Perimeter of PBOI Zoning District, including existing streets	100 feet
Existing Residential Use	100 feet
Improvement Setback	
Perimeter of PBOI District, including existing streets	75 feet
Existing Residential Use	75 feet
Buffer Yard	
Perimeter of PBOI District, including existing streets	25 feet
Existing Residential Use	25 feet
Landscaped Area of Construction Site	20 percent

Maximum Regulations

Building Height	75 feet
Impervious Area of Construction Site	80 percent

(e) General Development Regulation. In addition to the other regulations of this District, the following requirements shall apply to developments within the Planned Business/Office/Industrial District.

(1) The development shall be consistent with the purpose of this chapter and shall not adversely affect the health, safety, morals, and general welfare of the Township.

(2) The development shall consist of a harmonious selection of uses and groupings of building, service, and parking areas, circulation, and open spaces, planned, and designed as an integrated unit in such manner as to constitute a safe, efficient, and convenient development.

(3) Provision shall be made for safe and efficient ingress and egress to and from existing public streets servicing the development and to internal streets without undue congestion to or interference with normal traffic flow.

(4) All utility lines servicing the development shall be placed underground.

(5) All buildings shall be served by a public sanitary disposal system and public water supply.

(6) The development shall, wherever possible, preserve or incorporate natural features such as woods, streams and open space areas which add to the overall cohesive development of the Planned Business/Office/Industrial District and the overall Township development. An overall landscaping plan for the construction site shall be submitted as part of the master plan.

(7) The development shall contain a pedestrian circulation system subject to approval by the Board of Supervisors.

(8) The development shall include provisions for open space and outdoor recreation facilities for employees subject to approval by the Board of Supervisors.

(9) Loading areas shall not front on a Township or State road existing at the time of adoption of this Ordinance. Loading areas shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

(f) Standards for Approval.

(1) A master plan for a construction site of 40 acres minimum must be submitted to the Township prior to the submission of a preliminary subdivision or land development plan.

At a minimum, the master plan shall depict the proposed development of the entire tract including: internal lot lines (if applicable), building locations, proposed uses, parking areas, pedestrian and traffic circulation system, open space areas, landscaping and areas for stormwater management. The master plan shall be reviewed in accordance with the

requirements for Sketch Plan Application and Review listed in Section 303 of the Subdivision and Land Development Ordinance. Projected phasing shall be provided as part of the master plan and shall be a general outline of the proposed timeline for development of the entire tract. After a master plan has been granted approval by the Board of Supervisors, the master plan can be amended by the applicant without further review or approval by the Township Planning Commission unless requested by the Board of Supervisors.

(2) Individual lots within a tract master plan are not required to conform with the area, lot width, landscaped area or impervious area requirements listed in Section 408(d) of this Chapter provided that such requirements are met by the master plan for the entire tract.

(3) After a subdivision or land development plan has been granted final approval by the Board of Supervisors, the final plan can be amended by the applicant without further review or approval by the Township Planning Commission unless requested by the Board of Supervisors.

(g) Submission of Applicable Restrictions and Documents. All subdivision and land development plans shall be accompanied by copies of restrictive covenants, lot owner's association documents and other relevant documents, which shall include:

(1) Provisions for ownership and maintenance of all common and undedicated areas.

(2) Covenants, deed restrictions, easements, rights-of-way or other restrictions to be imposed upon the use of land and/or buildings.

(3) Methods to assure compliance of all lots and buildings and uses with all requirements of the applicable zoning district, Township ordinances, approved subdivision and land development plans and approved architectural plans.

(h) 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 Planned Business/Office/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, guidelines and specifications concerning land development before recommending a decision to the Board of Supervisors.

(i) Supplementary Regulations. All Sections under Part 9 of this Chapter and Section 521 of the SALDO shall apply as supplementary guidelines and specifications for the PBOI District.

SECTION 5. The Zoning Map for the Township of Amity is hereby amended to show the PBOI District as set forth on Exhibit "A" attached hereto.

SECTION 6. The Zoning Map of the Township of Amity is hereby modified to include the properties known as Tax I.D. 535506396569; 535510452073; 535510458113; 535511550124; 535511550712; 535511551280; 535511552940; 535511553364; 535511555550; 535511558678; 535511568069; 535511574197; 535511660562; 535513037103; 535513134608; 535513240796; 535514343293; 535514445177; 535517020223; 535517022109; 535517121449; 535603410274; 535603401660 in the Planned Business/Office/Industrial District (PBOI) and remove them from the Low Density Residential District (LDR) as set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 7. The Zoning Map of the Township of Amity is hereby modified to include a portion the property known as Tax I.D. 535517011755 in the Planned Business/Office/Industrial District (PBOI) and remove it from the Low Density Residential District (LDR) as set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 8. The Zoning Map of the Township of Amity is hereby modified to include the property known as Tax I.D. 535509153817 in the Planned Business/Office/Industrial District (PBOI) and remove it from the Low Density Residential District (LDR) and Rural Conservation District (RC) as set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 9. Part 5, entitled "Design Standards and Required Improvements", of Chapter XXVII, entitled "Subdivision and Land Development", of Amity Code of Ordinances is hereby amended by adding thereto the following section to establish regulations and standards for the Planned Business/Office/Industrial District (PBOI):

"Section 521. Standards for Developments in the Planned Business/Office/Industrial District.

(a) General Development Regulations.

(1) No storage of materials, equipment or goods shall be permitted in a front yard. The storage of materials, equipment or goods outside a building shall be screened from view from streets and adjoining properties. Screening shall be reviewed and approved by the Board of Supervisors.

(2) All manufacturing, printing, publishing, binding, research, testing, experimentation and development activities shall be conducted within a completely enclosed building or structure.

(3) Areas for the servicing of refuse collection shall be provided and shall be adequate in size and be so arranged that they may be used without blockage or interference with the use of accessways or parking facilities. Appropriate screening from adjacent properties and from roads shall be required, in accordance with 517 (h) of this Chapter.

(4) All means of ingress and/or egress shall be located at least two hundred feet (200') 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 (PennDOT) or the Township. The developer shall also be responsible for any pertinent traffic studies that may be required by the Township and/or PennDOT.

(5) No individual lot shall have access to Weavertown Road, Limekiln Road, Monocacy Hill Road, Valley Road, Brown's Mill Road, or Amity Park Road.

(6) LEED certified development is encouraged.

(b) Architectural Standards

(1) All buildings and signs proposed for a development shall be of compatible architectural design. Consideration shall also be given to the compatibility of architectural design with other developments in the Planned Business/Office/Industrial District.

(2) All building exteriors shall be constructed of brick, stone, glass, architectural metal panel or other materials approved by the Board of Supervisors upon review of elevation drawings and/or renderings submitted by the applicant.

(3) Architectural features shall be provided above the roofline when necessary to conceal mechanical equipment from view.

(4) The architectural design of a proposed development, including building elevation drawings, shall be submitted to the Board of Supervisors for review and approval.

(5) LEED certified development is encouraged."

SECTION 10. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 11. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 12. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 13. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED into law this 15 day of December 2010 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

TOWNSHIP OF AMITY
BOARD OF SUPERVISORS




Robert R. Yanos, Chairman

Kim McGrath, Vice-Chairman



Terry Jones



Scott Stepp



Paul Weller

ATTEST:


Joanne Sowers-Smith, Secretary
(SEAL)



MUNICIPAL CERTIFICATION

I, Joanne Sowers-Smith, Secretary of the TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 269 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in the Township of Amity, on 12/15, 2010, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on 12/15, 2010.

(SEAL)



Joanne Sowers-Smith, Secretary

Date: 12/15, 2010

EXHIBIT "A"

OFFICIAL ZONING MAP AMITY TOWNSHIP BERKS COUNTY, PENNSYLVANIA



LEGEND

- MUNICIPAL BOUNDARIES
 - PARCEL BOUNDARIES
 - ROAD CENTERLINES
 - STREAMS
 - PONDS, LAKES, & RIVERS
- ZONING DISTRICTS**
- RC - RURAL CONSERVATION
 - LDR - LOW DENSITY RESIDENTIAL
 - MDR - MEDIUM DENSITY RESIDENTIAL
 - MHP - MOBILE HOME PARK
 - SCC - SHOPPING CENTER COMMERCIAL
 - HC - HIGHWAY COMMERCIAL
 - PBOI - PLANNED BUSINESS OFFICE INDUSTRIAL
 - L/I/O - LIGHT INDUSTRIAL / OFFICE

MAP SCALE:
1 inch = 2,500 feet



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 _____ as part of the Amity Township Zoning Ordinance of 1991, as amended.

Chairman _____

Secretary _____

Data Sources:
Parcel, Municipal Boundaries and Road Centerline datasets provided by the County of Berks, 2007. (Information shown on this plan is based on geospatial data from the County of Berks, and may not be copied or reproduced without express written permission from the County of Berks.)

Water Body Datasets provided by the County of Berks and modified based on 2003 Imagery from the PA Map Program supplied by Pennsylvania Spatial Data Access (PASDA) by LTL Consultants, Ltd., 2008.

Zoning District Boundary Dataset Created by LTL Consultants, Ltd., 2007, Modified in 2010 to Depict PBOI Zoning.

This map is intended for reference use only, not intended for engineering or surveying purposes.

LTL CONSULTANTS, LTD.
ENGINEERS & CODE OFFICIALS

PO BOX 241
ONE TOWN CENTRE DR
OLEY, PA 19547

(610) 987-9290
FAX: (610) 987-9288

F:\Amity\Zoning 11x17 FINAL 120710.mxd

