

AMITY TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

ZONING ORDINANCE OF 1991

**ADOPTED: DECEMBER 9, 1991
AS AMENDED: MAY 4, 1992
AS AMENDED: AUGUST 29, 1994
AS AMENDED: APRIL 27, 1998
AS AMENDED: APRIL 26, 1999
AS AMENDED: OCTOBER 11, 1999
AS AMENDED: DECEMBER 11, 2000
AS CODIFIED: MAY 7, 2001
AS AMENDED: MAY 6, 2002
AS AMENDED: SEPTEMBER 16, 2002
AS AMENDED: APRIL 15, 2003
AS AMENDED: AUGUST 5, 2003
AS AMENDED: JULY 5, 2005
AS AMENDED: MAY 16, 2006
AS AMENDED: DECEMBER 19, 2006
AS AMENDED: APRIL 17, 2007
AS AMENDED: MAY 16, 2007
AS AMENDED: JUNE 5, 2007
AS AMENDED: AUGUST 21, 2007
AS RECODIFIED: FEBRUARY 18, 2008
AS AMENDED: AUGUST 6, 2008
AS AMENDED: OCTOBER 1, 2008
AS AMENDED: OCTOBER 1, 2008
AS RECODIFIED: MAY 4, 2009**

CHAPTER XXXII

ZONING

Part 1

General Provisions

- Section 101. Title
- Section 102. Short Title
- Section 103. Purpose
- Section 104. Application
- Section 105. Exemptions
- Section 106. Interpretation
- Section 107. Community Development Objectives
- Section 108. Severability
- Section 109. Repealer
- Section 110. Effective Date

Part 2

Definitions

- Section 201. General Interpretation
- Section 202. Specific Terms

Part 3

Zoning Map and Zoning Districts

- Section 301. Establishment of Zoning Districts
- Section 302. Official Zoning Map
- Section 303. Interpretation of District Boundaries
- Section 304. Application of District Regulations

Part 4

Zoning District Regulations

- Section 401. RC - Rural Conservation District
- Section 402. LDR - Low Density Residential District
- Section 403. MDR - Medium Density Residential District
- Section 404. MHP - Mobile Home Park District
- Section 405. HC - Highway Commercial District
- Section 406. SCC - Shopping Center Commercial District
- Section 407. LI/O - Light Industrial/Office District

Part 5

Environmental Protection Overlay Districts

- Section 501. Statement of Intent
- Section 502. Floodplain Overlay District

- Section 503. Hydric Soil Overlay District
- Section 504. High Water Table Overlay District
- Section 505. Steep Slope Overlay District
- Section 506. Wetlands Overlay District

Part 6

Cluster Development Regulations

- Section 601. Statement of Intent
- Section 602. Development and Design Standards
- Section 603. Open Space Standards
- Section 604. Administration and Review

Part 7

Planned Residential Development Regulations

- Section 701. Statement of Intent
- Section 702. Development Standards
- Section 703. Design Standards
- Section 704. Open Space Standards
- Section 705. Improvement Specifications
- Section 706. Application, Submission and Review Procedures
- Section 707. Administration and Review

Part 8

Mobile Home Park Regulations

- Section 801. Statement of Intent
- Section 802. Development and Design Standards
- Section 803. Administration Proceedings

Part 9

Supplementary Regulations

- Section 901. Access to Structures
- Section 902. Accessory Uses or Structures
- Section 903. Home Occupation Regulations
- Section 904. Residential Conversion Standards
- Section 905. Agricultural Use Regulations
- Section 906. Recreational Use Regulations
- Section 907. Design Standards for Commercial and Industrial Uses
- Section 908. Environmental Performance Standards for Commercial and Industrial Districts
- Section 909. Temporary Structures
- Section 910. Outdoor Storage
- Section 911. Prohibited Uses
- Section 912. Front Yard Exceptions
- Section 913. Flag Lots
- Section 914. Reserved for Future Use
- Section 915. Visibility at Intersections
- Section 916. Fences, Walls and Hedges
- Section 917. Corner Lot Restrictions

Section 918. Projections into Yards
 Section 919. Reserved for future use
 Section 920. Height Exceptions
 Section 921. Swimming Pools
 Section 922. Lighting
 Section 923. Off-Street Loading Areas
 Section 924. Off-Street Parking Facilities
 Section 925. Driveways
 Section 926. Highway Frontage Development
 Section 927. Signs
 Section 928. Hazardous Areas
 Section 929. Public Utility Standards
 Section 930. Commercial Campgrounds Standards
 Section 931. Multi-Family Developments
 Section 932. Single-Family Semi-Detached Developments
 Section 933. Two-Family Detached Dwelling Developments
 Section 934. Tourist, Bed and Breakfast, Rooming or Boarding House
 Section 935. Junkyard Standards
 Section 936. Solid Waste Disposal Facilities
 Section 937. Adult Business Uses
 Section 938. Shopping Centers
 Section 939. Professional Office/Research Park
 Section 940. Industrial Parks
 Section 941. Quarrying and Mining Operations
 Section 942. Repealed
 Section 943. Solar Energy Systems
 Section 944. Filling, Excavating and Grading
 Section 945. Regulations for Cellular Communications Antennae
 Section 946. Blasting and Detonation Requirements
 Section 947. Kennels
 Section 948. Woodland Extraction
 Section 949. Other Dwelling Types or Land Uses
 Section 950. Exportation and Extraction of Groundwater
 Section 951. Self-storage Units
 Section 952. Transitional-Age Development Community
 Section 953. Commercial Retirement Community
 Section 954. Continuing Care Retirement Community
 Section 955. Nursing Home, Retirement or Convalescent Home
 Section 956. Age Restricted Housing

Part 10

Nonconformities

Section 1001. Application and Intent
 Section 1002. Nonconforming Lots of Record
 Section 1003. Nonconforming Uses of Land
 Section 1004. Nonconforming Structures or Buildings
 Section 1005. Nonconforming Use of Structures or Buildings or of Buildings
 and Land in Combination
 Section 1006. Unsafe or Unlawful Structures
 Section 1007. Permitted Special Exception Uses
 Section 1008. Registration of Nonconformities
 Section 1009. Certification of Intention

Part 11

Administration and Enforcement

- Section 1101. General Procedures
- Section 1102. Permits and Certificates
- Section 1103. Zoning Officer
- Section 1104. Zoning Hearing Board
- Section 1105. Functions of the Zoning Hearing Board
- Section 1106. Hearings Procedures
- Section 1107. Amendments
- Section 1108. Curative Amendments
- Section 1109. Conditional Uses
- Section 1110. Appeals
- Section 1111. Filing Fees and Costs
- Section 1112. Remedies and Penalties
- Section 1113. Effective Date

Part 12

Diagrams and Zoning Map

- Section 1201. Diagram - Types of Dwelling Units
- Section 1202. Diagram - Lot and Setback Requirements
- Section 1203. Amity Township Zoning Map
- Section 1204. Diagram 1204 - Monument Sign

Part 1

General Provisions

Section 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 of 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. (Ordinance 130, December 9, 1991, Section 101)

Section 102. Short Title. This Part shall be known as, and may be cited as the "Amity Township Zoning Ordinance of 1991, as amended". (Ordinance 130, December 9, 1991, Section 102)

Section 103. Purpose. This Part 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; as amended); 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 Part 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) To encourage aesthetical and innovative residential growth within the Township that will meet the needs of existing and future residents.

(f) To encourage commercial and industrial development that is adequate to meet the Township's needs for employment, goods and services.

(g) To 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) To promote, encourage and practice energy conservation within the Township.

(j) To provide and establish a transportation network that safely and efficiently circulates people and goods throughout and within the Township.

(Ordinance 130, December 9, 1991, Section 103)

Section 104. Application. Except as hereinafter provided, no building, structure, land or parts thereof in the Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this Chapter. (Ordinance 130, December 9, 1991, Section 104)

Section 105. Exemptions. This Chapter 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 said 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. (Ordinance 130, December 9, 1991, Section 105)

Section 106. Interpretation. In interpreting and applying the provisions of this Chapter, 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 Chapter impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Chapter shall be complied with. Where the provisions of any other Township statute, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such other Township statute, ordinance or regulation shall be complied with unless otherwise stated in this Chapter. (Ordinance 130, December 9, 1991, Section 106)

Section 107. Community Development Objectives. This Chapter 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 Chapter reflect and portray the goals, objectives and policies of the functional components of the adopted Comprehensive Plan. (Ordinance 130, December 9, 1991, Section 107)

Section 108. Severability. Should any article, section, subsection, paragraph, clause, phrase or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional. (Ordinance 130, December 9, 1991, Section 108)

Section 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 provisions of this Chapter; provided however, that the provisions of this Chapter shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Ordinance. (Ordinance 130, December 9, 1991, Section 109)

Section 110. Effective Date. This Chapter has been enacted by the Amity Township Board of Supervisors on December 9, 1991. This Chapter shall become effective December 16, 1991. This Chapter was amended on May 4, 1992, August 29, 1994, April 27, 1998, April 26, 1999 and October 11, 1999. (Ordinance 130, December 9, 1991, Section 110)

Part 2

Definitions

Section 201. General Interpretation.

(a) For the purpose of this Chapter, 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 shall 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".

(Ordinance 130, December 9, 1991, Section 201)

Section 202. Specific Terms. Terms or words used in this Chapter, 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. Forty-three thousand five hundred sixty (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 token or coin-operated projectors or other 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 or sadomasochistic abuse, as defined in the State Obscenity Code, 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 Chapter 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).

Age Restricted Housing. A residential community for permanent residents in which the residential property and related open space are owned by a condominium association or other homeowner's association or entity. One hundred percent of the dwellings in an age-restricted housing development are occupied by at least one person age fifty-five (55) or over with the following exceptions:

(1) One person under the age of 55 may reside in a dwelling unit if the presence of such person is essential to the physical care of the occupant that is age 55 or over.

(2) A spouse under the age of 55 years may reside with the spouse that is 55 years of age or over.

(3) The age-restricted housing development shall be established in accordance with the laws of the Commonwealth of Pennsylvania and shall qualify for a Housing for Older Persons exemption under the Fair Housing Act.

(4) The homeowner or condominium association shall own all common spaces, including, but not limited to, open spaces, common areas, recreation areas, road area and sidewalk. The association shall be responsible for, at a minimum, collection of garbage and recyclable material, snow removal, road and sidewalk maintenance, maintenance of buffer and other common landscape areas.

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 raw material storage needs, necessitate special control 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 Subsection 905(a) of this Chapter. Subsection 905(b) 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).

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

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

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.

Antenna. A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

Antenna Height. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure. Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

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

Basement. A story partly below the finished grade but having one-half ($1/2$) 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.

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. The 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances. Buffer Yard shall also mean buffer screens as used in Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances.

Building. A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, and 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 (2) front corners of the building to:

(1) the highest point of the roof for buildings in the RC, LDR, MDR, and MHP Zoning Districts, unless otherwise set forth;

(2) the highest point of habitable building space for buildings in the HC, SCC, and LI/O Zoning Districts.

Building Length. The measurement of a building in one (1) 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). (See Lot and Setback Requirements Diagram in Section 1202 of this Chapter.)

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 (2) or more campsites are located for 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.

Cell Site. A tract or parcel of land that contains the cellular communication antenna, its support structure, accessory building(s) and parking, and may include other uses associated with and ancillary to cellular communication transmission.

Cellar. A story partly below the finished grade, having at least one-half (1/2) 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.

Cellular Telecommunications. A Commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to two (2) providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cemetery. Land used or intended to be used for the burial of human remains and may include columbariums, crematoriums, 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 this Chapter, 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 nonprofit 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 Retirement Community. The business of a planned retirement community, under single ownership, on a single lot/tract of land, that offers significant services and amenities that support aging in place with one hundred percent (100%) of its' residents over the age of fifty-five (55) meeting the Qualifications of Section 953 of this Ordinance.

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 building or parking area 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 (1) single-family detached dwelling, one (1) single-family semi-detached dwelling, or one (1) townhouse is located.

Common Wall. A wall used or adopted for joint service between two (2) buildings or parts thereof.

Communications Tower. Any structure intended to be used for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communications.

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, as amended from time to time.

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 Chapter.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act.

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

Continuing Care Retirement Community (CCRC) - A residential community designed to provide independent and assisted living arrangements for person(s) aged 65 years and older as part of a planned community that also provides nursing services, medical services, and other health-related services and shall consist of the following:

Independent living unit - A dwelling unit within a Continuing Care Retirement Community.

Assisted living unit - A living arrangement within a Continuing Care Retirement Community in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing and taking medication.

Nursing or skilled unit - A living arrangement within a Continuing Care Retirement Community, which is duly licensed by the Commonwealth of Pennsylvania and provides medical care, convalescent care and services in coordination with the living arrangement for seniors with medical needs and disabilities.

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.

Cross Bar. A structure at or near the top of the low power mobile radio service telecommunications facility which provides support and horizontal separation for the antenna(s).

Curb Line. The edge of the cartway.

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

Density. The number of dwelling units per gross acre.

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

Directional Antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area.

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

Dwelling. A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one (1) 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. (See Diagram for Types of Dwelling Units in Section 1201 of this Chapter.)

(1) Single-Family Detached Dwelling. A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.

(2) Single-Family Semi-Detached Dwelling. A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a common wall.

(3) 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.

(4) Townhouse. A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family which is one (1) of a group of three (3) or more such buildings, placed side by side and separated by unpierced common walls, each dwelling having at least one (1) separate entrance from the outside.

(5) Apartment Building. A building on a single lot arranged, intended or designed to be occupied as a residence for three (3) or more families, and in which the dwelling units may be separated horizontally and/or vertically.

(6) 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.

(7) Mobile Home. A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

(8) 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 unit.

Effective Radiated Power (ERP). The product of the antenna power input and the numerically equal antenna power gain.

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, 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 (1) 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 manmade 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:

- (1) Basement space;

(2) All spaces other than cellar space with structural headroom of seven feet, six inches (7'6") or more;

(3) Interior balconies and mezzanines;

(4) Enclosed porches, terraces or other space which are attached to the principal structure on at least one (1) side;

(5) Attic spaces (with or without a finished floor) providing structural headroom of seven feet, six inches (7'6") or more is available over fifty percent (50%) of such attic space.

However, the "floor area" shall not include:

(i) Cellar space, except that cellar space used for retailing;

(ii) Elevator shafts, stairwells, bulkhead, accessory water tanks or cooling towers;

(iii) Terraces, breezeways, uncovered steps or open space;

(iv) Accessory buildings.

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.

Free-Standing Low Power Mobile Radio Service Facility. A low power mobile radio service telecommunications facility that consists of a stand-alone support structure, antennas and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, light standard or other vertical support. Whip antennas on a free-standing low power mobile radio service facility may extend the maximum of fifteen feet (15') above the highest portion of a structure to which they are attached; panel antennas may extend a maximum of six feet (6') above the highest portion of the structure to which they are attached.

Garage.

(1) 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 vehicle or truck may be stored in a private garage.

(2) Garage, Public or Repair. A building, other than a private or storage garage, one (1) or more stories in height, used solely for commercial storage service or repair of motor vehicles.

(3) Garage, Storage. A building, not a private residential or a public garage, one (1) 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.

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

Health Club. A private or public indoor facility utilized for recreational activities. All activities relating to an adult business use shall be prohibited within a health club.

High Water Table Soils. Surface soils which are within three feet (3') 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 (1) such point to the centerline of another such point.

Highway Frontage. The lot dimensions measured along the right-of-way line of any one (1) 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 (7) 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.

Impervious Surfaces. Those surfaces which do not normally absorb water. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone, which in the opinion of the Township Engineer shall be considered impervious surfaces, shall be classified as an impervious surface within this definition. In addition, other area determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

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 set back 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 (2) or more unlicensed,

uninspected, wrecked or disabled vehicles shall be deemed to be a "junk yard".

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

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 Chapter.

Landscaped Area. The percentage of a lot covered by trees, gardens, grass, shrubbery, natural turf and other natural ground cover such as mulch, decorative stone or similar material.

Lattice Tower. A guyed or self-supporting three (3) or four (4) sided open, steel frame structure used to support telecommunications equipment.

Livestock. Farm animals exceeding three hundred (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.

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

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

(3) 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.

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

(5) 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/ultimate street rights-

of-way, areas delineated as "wetlands", areas identified as common open space and land area within all utility, municipal and stormwater easements.

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-way; areas within the Environmental Protection Overlay District; 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."

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

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

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

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

(1) Front Lot Line. The line separating a lot from a street. The front lot line is also the street line.

(2) Rear Lot Line. The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet (10') long.

(3) Side Lot Line. Any lot line other than a front or rear lot line.

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 street line and at the legal right-of-way line and/or ultimate right-of-way line (where it exists) of the street immediately adjacent thereto.

Low Power Commercial Mobile Radio Network. A system of low power commercial telecommunications facilities which allow wireless conversation to occur from site to site.

Low Power Commercial Mobile Radio Service. Mobile service provided for various uses, including: (a) for profit, (b) interconnected to Public Switch Network, (c) available to the public for such classes of eligible users as to be effectively available to a substantial portion of the public, which service must propose to or have developed multiple network sites within the County of Berks and any surrounding counties bordering the Township.

Low Power Mobile Radio Service Telecommunications Facility. A facility which consists of equipment for the reception, switching and transmission of low power mobile radio service communications. Such facility may be elevated (either building-mounted or ground-mounted) transmitting and receiving antennas, low power mobile radio service base station equipment and interconnection equipment. The categories of facility types include:

- (1) Roof and/or building mount facilities;
- (2) Free-standing low power mobile radio service facilities;
- and
- (3) Micro-cell or repeater facilities.

For purposes of Zoning District height limitations, the height of free-standing low power mobile radio service telecommunications facilities shall be measured from the average elevation of the finished grade of the building or structure.

Low Power Telecommunications Facility. An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at one thousand (1,000) watts or less effective radiated power (ERP), including, but not limited to, the following:

- (1) Point-to-point microwave signals.
- (2) Signals through FM radio translators.
- (3) Signals through FM radio boosters under ten (10) watts effective radiated power (ERP).
- (4) Cellular, Enhanced Specialized Mobile Radio (ESMR) and Personal Communications Networks (PCN).
- (5) Private low power mobile radio service.

Massage Parlor. A place of business where a person or persons engage in or carry on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of any part of the body with the hands or with the aid of any mechanical apparatus. This particular use does not include licensed physicians or members of the American Massage Therapist Association.

Micro-Cell. A low power mobile radio service telecommunications facility used to provide increased capacity in high call demand areas or to improve coverage in areas of weak coverage. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave. Coverage area for a micro-cell is typically a one (1) mile radius or less. Micro-cells shall not exceed the following maximum characteristics:

- (1) Pole height: Not to exceed the height limit of the underlying Zoning District as measured from the average elevation of the finished grade of the building or structure; height is measured to the top of the antenna.
- (2) Permissible number of whip or panel antennas: Four (4).
- (3) Permissible number of microwave antennas: One (1).
- (4) Size of antennas:

Whip Antennas. No greater than three inches (3") in diameter and up to twenty feet (20') long for each such antenna.

Panel Antennas. No greater than one (1) square foot of surface area for each such antenna.

Microwave Antennas. As allowed by the applicable Zoning District regulations.

(5) Size of accessory building: No building permitted.

(6) Setback requirements: The setback requirements as established for any accessory building or structure within the applicable zoning district shall apply.

Microwave Antenna. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

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.

Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Monopole. A structure composed of a single spire used to support telecommunications equipment.

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. The Township of Amity, Berks County, Pennsylvania.

Municipal Use. A use by the Township 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, or meeting rooms for civic group use.

No-Impact Home-Based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

(8) The business may not involve any illegal activity.

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 Chapter 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 Chapter 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 house plants for any commercial purpose. All nursery/greenhouses that are designed and constructed to be one thousand (1,000) square feet or less shall be considered an accessory structure. All nursery/greenhouses that are designed and constructed to exceed one thousand (1,000) 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.

Office. A building in which business, clerical, government, or professional activities take place.

Official Zoning Map. The Zoning Map of the Township of Amity.

Omnidirectional Antenna. An antenna that is equally effective in all directions, and whose size varies with the frequency and gain for which it is designed.

One Hundred (100) 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%) chance 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 surfaces, as defined herein.

Permitted Use. A use permitted in a particular district to occupy or use land for a specific purpose in accordance with this Chapter, 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 Chapter.

Planning Commission. The Planning Commission of the Township of Amity, 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 Chapter.

Private Low Power Mobile Radio Service. All other forms of wireless telecommunications which have similar physical facilities as Commercial Low Power Mobile Radio Service, but which do not meet the definition of Commercial Mobile Radio Service.

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. The term Passive Recreation shall include walking, jogging and nature trails included as part of any Park or Development.

Repeater. A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell. Repeater facilities shall not exceed the following maximum characteristics:

(1) Pole height: In all Zoning Districts, not to exceed the underlying Zoning District height limit as measured from the average elevation of the finished grade of the building or structure; height is measured to the top of the antennas.

(2) Permissible number of whip or panel antennas numbers: Four (4).

(3) Permissible number of microwave antennas: One (1).

(4) Size of antennas:

Whip Antennas. No greater than three inches (3") in diameter and twelve feet (12') long.

Panel Antennas. Four (4) feet square of surface area for each such antenna.

Microwave Antennas. As allowed by applicable Zoning District regulations.

(5) Size of accessory building: One (1) accessory building up to one hundred (100) square feet of gross floor area (GFA) in size.

(6) Setback requirements: The setback requirements as established for any accessory building or structure within the applicable Zoning District shall apply.

Roof and/or Building Mount Facility. A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face. Roof or building-mounted facilities may include micro-cell and/or repeater facilities. Such facilities must be screened, constructed or colored to match the existing structure to which they are attached. Roof and/or building mounted facilities shall not exceed the following maximum criteria:

(1) The facility may include up to a maximum of four (4) whip antennas, which may extend a maximum of fifteen feet (15') above the highest portion of the structure to which they are attached, including any rooftop appurtenances.

(2) The facility may extend a maximum of six feet (6') above the highest portion of the structure to which it is attached, including any rooftop appurtenances.

(3) A single accessory building may be constructed provided that the building does not exceed five hundred (500) square feet of gross floor area (GFA).

(4) Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve inches (12") in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character and color.

(5) Any applicant proposing any antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation shall not exceed the structural capacity of the building or structure, considering wind and other load associated with the antenna location.

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

(1) 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.

(2) 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.

(3) 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, semi-solid 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 Chapter, 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.

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

(2) 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.

(3) Minor Street. A street used primarily to provide access to residential properties.

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

(5) 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.

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

(7) Service Street (Alley). A minor right-of-way providing secondary vehicular access to the side or rear of two (2) 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 over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Structure. Any manmade object having an ascertainable stationary location 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 inches (24") which is primarily used or intended to be used for swimming or bathing.

Telecommunications. The science or technology of communications by electronic transmission of impulses as by telegraph, cable, telephone, radio, television, microwave, earth station broadcast/cable television communications and other similar technology not otherwise enumerated and as may evolve after enactment of this Ordinance.

Township. The Township of Amity, Berks County, Pennsylvania.

Transitional-Age Development. A unified planned residential development providing a unique and innovative approach for housing and community development for families as well as persons over fifty-five (55) years of age with at least fifty percent (50%) of the residences being occupied by residents one of whom shall be over fifty-five (55) years of age and who do not have children or dependents residing with them on a permanent basis in accordance with the provisions of Sections 403(c)(9) and 952 of this Chapter.

Use. The specific purpose for which land, a sign or a structure or building is designed, arranged or 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 Chapter where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest.

Waste. A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term waste shall also include and apply to waste considered as either hazardous, contaminated, toxic, residual, municipal or recyclable, as defined by the PA DEP and/or the Environmental Protection Agency.

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.

(1) 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.

(2) Community Water Supply System. A temporary water supply system which transmits from a common source to more than one (1) dwelling, principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis

for developments which are to be permanently serviced by a public water supply system.

(3) Public or Municipal Water Supply System. A system of water collection, storage, transmission and delivery which is to service a community, but not confined to a 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 (3) major characteristics of wetlands include vegetation, soil and hydrology.

Whip Antenna. An antenna that is cylindrical in shape which can be directional or omnidirectional. Their size varies based upon the frequency and gain for which they are designed.

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

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.

(1) 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.

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

(3) 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; height, area, bulk and use of buildings; 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 Chapter.

Zoning Map. The Township of Amity Zoning Map.

Zoning Officer. The agent or official designated by the governing body to administer and enforce this Chapter.

Zoning Ordinance. The Amity Township Zoning Ordinance of 1968; as comprehensively amended by Ordinance No. 130 enacted December 9, 1991; as amended by Ordinance No. 134 enacted May 4, 1992; as further amended by Ordinance No. 146 enacted August 29, 1994; as further amended by Ordinance No. 160 enacted April 27, 1998; as further amended by Ordinance No. 164 enacted April 26, 1999; as further amended by Ordinance No. 166 enacted October 11, 1999; as further amended by Ordinance No. 176 enacted December

11, 2000; as further amended by Ordinance No. 188 enacted May 6, 2002; as further amended by Ordinance 192 enacted September 16, 2002; as further amended by Ordinance 196 enacted April 15, 2003.

(Ordinance 130, December 9, 1991, Section 202; as amended by Ordinance 160, April 27, 1998, Section 1; as further amended by Ordinance 164, April 26, 1999, Sections 1 & 2; as further amended by Ordinance 192, September 16, 2002, Section 1; as further amended by Ordinance 196, April 15, 2003, Section 1; as further amended by Ordinance 229, December 19, 2006, Section 1; as further amended by Ordinance 234, April 17, 2007, Sections 1 & 2; as further amended by Ordinance 239, August 21, 2007, Section 1 & 2; as further amended by Ordinance 246, August 6, 2008, Sections 1 & 2; as further amended by Ordinance 247, October 1, 2008, Section 1; as further amended by Ordinance 248, October 1, 2008, Section 1)

Part 3

Zoning Map and Zoning Districts

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

(Ordinance 130, December 9, 1991, Section 301)

Section 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 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 August 6, 2008 as part of the Amity Township Zoning Ordinance of 1991, as amended."

(b) If, in accordance with the provisions of this Chapter 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 Chapter. 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 the 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.

(Ordinance 130, December 9, 1991, Section 302; as amended by Ordinance 246, August 6, 2008, Section 18)

Section 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.

(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.

(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.

(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.

(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.

(Ordinance 130, December 9, 1991, Section 303)

Section 304. Application of District Regulations. The following standards indicated within this section shall be utilized for the generalized application of the district regulations in association with this Chapter.

(a) No building, structure or land shall be used and no building, structure or part thereof shall be 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.

(b) No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one (1) 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 Chapter or other Township ordinances or regulations.

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

(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 (1) street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two (2) or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one (1) 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 (1) street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two (2) 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 (1) 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.

(Ordinance 130, December 9, 1991, Section 304)

Part 4

Zoning District Regulations

Section 401. RC - Rural Conservation District.

(a) 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.

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is permitted by right in the Rural Conservation District, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied.

(1) General agricultural uses, subject to Section 905 of this Chapter.

(2) Municipal use.

(3) Single-family detached dwelling.

(4) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(5) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(6) No-Impact Home-Based Businesses, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community, and shall be subject to the provisions of Subsection 903(c).

(c) Uses Permitted by Conditional Use. The following, as a principal use, their accessory uses, and no other, are permitted in the Rural Conservation District when a conditional use is granted by the Board of Supervisors subject to and in accordance with Part 11 of this Chapter.

(1) Church or similar place of worship.

(2) Home occupation, subject to Section 903 of this Chapter.

(3) Nursery/greenhouse.

(4) Intensive agricultural uses, subject to Section 905 of this Chapter.

(5) Golf driving ranges.

(6) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(d) Uses Permitted by Special Exception. The following, as a principal use, their accessory uses, and no other, are permitted in the Rural Conservation District when a special exception is granted by the Zoning Hearing Board subject to and in accordance with Part 11 of this Chapter.

(1) Public cemetery.

(2) Pet cemetery.

(3) Commercial campgrounds, subject to Section 930 of this Chapter.

(4) Public Utility Uses, subject to Section 929 of this Chapter.

(5) 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 and hunting, subject to Section 906 of this Chapter.

(6) Tourist, bed and breakfast, rooming or boarding house, subject to Section 934 of this Chapter.

(7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(e) Area, Yard and Height Regulations. Each of the following maximum and minimum dimensional requirements shall apply to each permitted use in the Rural Conservation District, except as specifically provided for in this Chapter:

Minimum Regulations

Lot Area	80,000 sq. ft.
Lot Width	200 feet
Building Setback	50 feet
Rear Yard	30 feet
Side Yard	
Total	50 feet
One Side	25 feet
Buffer Yard (depth)	10 feet

Maximum Regulations

Building Height	
Farm Buildings/Silos	No Maximum
Principal Buildings	35 feet
Lot Coverage	12 percent
Woodland Extraction	30 percent

(f) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Rural Conservation District.

(Ordinance 130, December 9, 1991, Section 401; as amended by Ordinance 146, August 29, 1994, Section 1; as further amended by Ordinance 196, April 15, 2003, Section 3; as further amended by Ordinance 229, December 19, 2006, Section 2)

Section 402. LDR - Low Density Residential District.

(a) 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.

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is permitted by right in the Low Density Residential District provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied:

(1) General agricultural uses, subject to Section 905 of this Chapter.

(2) Church or similar place of worship.

(3) Municipal use.

(4) Single-family detached dwelling.

(5) Cluster Development containing single family detached dwellings subject to Part 6 of this Chapter.

(6) Public utilities uses, subject to Section 929 of this Chapter.

(7) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(8) No-Impact Home-Based Businesses, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community, and shall be subject to the provisions of Subsection 903(c).

(9) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(10) Commercial Retirement Community and their accessory uses, subject to the provisions of Section 953 of this Chapter.

(11) Age Restricted Housing and their accessory uses, subject to the provisions of Section 956 of this Chapter.

(c) Uses Permitted by Conditional Use. The following, as a principal use, their accessory uses and no other, are permitted in the Low Density Residential District when a conditional use is granted by the Board of Supervisors subject to and in accordance with Part 11 of this Chapter.

- (1) Home occupation, subject to Section 903 of this Chapter.
- (2) Nursery/greenhouse.
- (3) Golf driving ranges or miniature golf courses.
- (4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(d) Uses Permitted by Special Exception. The following, as a principal use, their accessory uses and no other, 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 Part 11 of this Chapter:

- (1) Public cemetery.
- (2) Commercial campgrounds, subject to Section 930 of this Chapter.
- (3) 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 the use of members and their guests.
- (4) Fire station.
- (5) Nursing home, retirement home or convalescent home.
- (6) Recreational uses, including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and stables, golf courses, swimming areas and pools, hiking trails, boating, fishing, camping and hunting, subject to Section 906 of this Chapter.
- (7) State licensed nursery school, elementary school, middle school, junior high school, senior high school or day care center.
- (8) Tourist, bed and breakfast, rooming or boarding house, subject to Section 934 of this Chapter.
- (9) Intensive agricultural uses, subject to Section 905 of this Chapter.
- (10) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(e) 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 Chapter:

<u>Minimum Regulations</u>	
Lot Area (Net)	80,000 sq. ft.
Lot Width	200 feet
Building Setback	50 feet
Rear Yard	30 feet
Side Yard	
Total	50 feet
Each Side	25 feet

Buffer Yard (depth) 10 feet

Maximum Regulations

Building Height 35 feet
 Lot Coverage 20 percent
 Woodland Extraction 30 percent

(f) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Low Density Residential District.

(Ordinance 130, December 9, 1991, Section 402; as amended by Ordinance 146, August 29, 1994, Section 1; as further amended by Ordinance 164, April 26, 1999, Section 3; as further amended by Ordinance 192, September 16, 2002, Section 2; as further amended by Ordinance 196, April 15, 2003, Section 4; as further amended by Ordinance 229, December 19, 2006, Section 3; as further amended by Ordinance 236, May 16, 2007, Section 1; as further amended by Ordinance 247, October 1, 2008, Section 2; as further amended by Ordinance 248, October 1, 2008, Section 2)

Section 403. MDR - Medium Density Residential District.

(a) 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 the highest permissible residential densities.

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is permitted by right in the Medium Density Residential District provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied.

(1) General agricultural uses, subject to Section 905 of this Chapter.

(2) Municipal use.

(3) Fire station.

(4) Public utilities, subject to Section 929 of this Chapter.

(5) Single-family detached dwelling.

(6) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(8) No-Impact Home-Based Businesses, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community, and shall be subject to the provisions of Subsection 903(c).

(9) Commercial Retirement Community and their accessory uses, subject to the provisions of Section 953 of this Chapter.

(10) Age Restricted Housing and their accessory uses, subject to the provisions of Section 956 of this Chapter.

(c) Uses Permitted by Conditional Use. The following, as a principal use, their accessory uses and no other, are permitted in the Medium Density Residential District when a conditional use is granted by the Board of Supervisors subject to and in accordance with Part 11 of this Chapter.

(1) Church or similar place of worship.

(2) Home occupation, subject to Section 903 of this Chapter.

(3) Nursery/greenhouse.

(4) Cluster development containing single-family detached dwelling units, subject to Part 6 of this Chapter.

(5) Planned residential development, subject to Part 7 of this Chapter.

(6) Semi-detached residential developments, subject to Section 932 of this Chapter.

(7) Golf driving ranges or miniature golf courses.

(8) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(9) Transitional-Age Development and their accessory uses, subject to the provisions of Section 952 of this Chapter.

(d) Use Permitted by Special Exception. The following, as a principal use, their accessory uses and no other, are permitted in the Medium Density Residential District when a special exception is granted by the Zoning Hearing Board to and in accordance with Part 11 of this Chapter:

(1) 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 the use of members and their guests.

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

(3) State licensed nursery school, elementary school, middle school, junior high school, senior high school or day care center.

(4) Multi-family residential developments, subject to Section 931 of this Chapter.

(5) Two-family residential developments, subject to Section 933 of this Chapter.

(6) Tourist, bed and breakfast, rooming or boarding house, subject to Section 934 of this Chapter.

(7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(e) 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 Chapter:

<u>Minimum Regulations</u>	<u>On-Lot Sewage And 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 feet	125 feet	100 feet
Building Setback	50 feet	40 feet	30 feet
Rear Yard	30 feet	20 feet	20 feet
Side Yard			
Total	50 feet	40 feet	30 feet
Each Side	25 feet	20 feet	15 feet
Buffer Yard (depth)	10 feet	10 feet	10 feet
<u>Maximum Regulations</u>			
Building Height	35 feet	35 feet	35 feet
Lot Coverage	20 percent	30 percent	40 percent
Woodland Extraction	30 percent	40 percent	50 percent

(f) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Medium Density Residential District.

(Ordinance 130, December 9, 1991, Section 403; as amended by Ordinance 134, May 4, 1992; as further amended by Ordinance 146, August 29, 1994, Section 1; as further amended by Ordinance 196, April 15, 2003, Section 5; as further amended by Ordinance 229, December 19, 2006, Section 4; as further amended by Ordinance 239, August 21, 2007, Section 3; as further amended by Ordinance 247, October 1, 2008, Section 3; as further amended by Ordinance 248, October 1, 2008, Section 3)

Section 404. MHP - Mobile Home Park District.

(a) 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.

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is permitted by right in the Mobile Home Park District provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied.

(1) Mobile home park, subject to Part 8 of this Chapter.

(2) Single-family detached dwelling, subject to the area, yard and height regulations specified under the MDR Zoning District (Subsection 403(e)).

(3) Municipal use.

(4) Public utilities, subject to Section 929 of this Chapter.

(5) General agricultural uses, subject to Section 905 of this Chapter.

(6) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(7) No-Impact Home-Based Businesses, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community, and shall be subject to the provisions of Subsection 903(c).

(c) Uses Permitted by Special Exception. The following, as a principal use, their accessory uses and no other, are permitted in the Mobile Home Park District when a special exception is granted by the Zoning Hearing Board to and in accordance with Part 11 of this Chapter:

(1) Home occupation, subject to Section 903 of this Chapter.

(2) Semi-detached residential developments, subject to Section 932 of this Chapter.

(3) Two-family residential developments, subject to Section 933 of this Chapter.

(4) Accessory uses or structures to the above permitted uses when on the same lot as the permitted use.

(d) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Mobile Home Park District.

(Ordinance 130, December 9, 1991, Section 404; as amended by Ordinance 146, August 29, 1994, Section 1; as further amended by Ordinance 196, April 15, 2003, Section 6)

Section 405. HC - Highway Commercial District.

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

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is 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:

(1) General agricultural uses, subject to Section 905 of this Chapter.

(2) Banks, savings and loan associations and finance companies.

(3) Professional or government office or studio.

(4) Church or similar place of worship.

(5) Funeral home.

(6) Home occupation, subject to Section 903 of this Chapter.

(7) Municipal use.

(8) 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.

(9) Public utilities, subject to Section 929 of this Chapter.

(10) Restaurants and similar types of eating establishments.

(11) Retail business establishment such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstores), carpeting, clothing, convenience store with or without gasoline pumps, dry goods, flowers, food, furniture, hardware, household supplies, jewelry, machinery, newspapers, office equipment, paint, periodicals, pharmaceuticals, sporting goods, stationary and tobacco.

(12) Professional office/research park subject to Section 939 of this Chapter.

(13) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use including residential use occupied by the caretaker or owner of a commercial use located on the same lot.

(14) Nursing home, retirement home or convalescent home subject to the conditions set forth at Section 955 of this Chapter Ordinance.

(15) Multiple commercial uses permitted in combination and occupancy subject to the following conditions:

(i) The following commercial uses and no other shall be permitted in combination:

a) Professional or government office or studio;

b) 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;

c) Administrative offices for public utilities, but specifically excluding construction, staging, external equipment, material and vehicular storage;

d) Restaurants and similar types of eating establishments;

e) Retail business establishment such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstores), carpeting, clothing, convenience store with or without gasoline pumps, dry goods, flowers, food, furniture, hardware, household supplies, jewelry, machinery, newspapers, office equipment, paint, periodicals, pharmaceuticals, sporting goods, stationary and tobacco; and

f) Banks, savings and loan associations and finance companies.

(ii) Unless otherwise permitted by the Board of Supervisors, the commercial uses shall be individually serviced by municipal sewage facilities.

(iii) Unless otherwise permitted by the Board of Supervisors, the commercial uses shall be individually serviced by public water supply where accessible.

(iv) The commercial uses shall consist of harmonious land uses, structures and services.

(v) Multiple commercial uses permitted in combination shall be in single ownership of land/structure or under a guaranteed unified management control.

(vi) 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, the County and/or PennDOT.

(vii) 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.

(viii) All commercial uses shall meet the combined parking requirements specified under Section 924 of this Chapter.

(ix) Lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.

(x) Exterior storage areas for trash and rubbish shall be properly screened so as to preclude the storage area from

being visible from adjacent properties or road surfaces. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area shall be permitted within thirty feet (30') from any lot line.

(xi) All exterior lot lines of the original tract shall be screened by a buffer yard with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with standards specified under Section 517 of the Subdivision and Land Development Ordinance.

(xii) All signs shall be consistent with Subsection 927(f), excluding Subsection 927(f)(3), of this Chapter. The total area of all signage for combined or multiple commercial uses shall not exceed the maximum signage permitted under Subsection 927(f)(1) of this Chapter.

(xiii) The site utilized for the multiple commercial uses shall conform to the area, yard and height regulations that are specified under Subsection 405(e) of this Chapter.

(xiv) All proposed multiple commercial uses, 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 (see Chapter 27 of the Township Code of Ordinances).

(16) Self storage units, subject to the requirements specified under Section 951 of this Chapter.

(17) No-Impact Home-Based Businesses, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community, and shall be subject to the provisions of Subsection 903(c).

(18) Continuing Care Retirement Community subject to the conditions set forth at Section 954 of this Chapter.

(c) Uses Permitted by Conditional Use. The following, as a principal use, their accessory uses and no other, are permitted in the Highway Commercial District when a conditional use is granted by the Board of Supervisors subject to and in accordance with Part 11 of this Chapter.

(1) Adult business uses, subject to Section 937 of this Chapter.

(2) Automatic car wash.

(3) Automobile sales.

(4) Automobile service station.

(5) 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 the use of members and their guests.

(6) Commercial campgrounds, subject to Section 930 of this Chapter.

(7) Fire station.

(8) Hotel/motel accommodations.

(9) Recreation uses, subject to Section 906 of this Chapter.

(10) State licensed nursery school or day care center.

(11) Exportation and/or extraction of groundwater, subject to the requirements specified under Section 950 of this Chapter.

(12) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(d) 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 Chapter:

<u>Minimum Regulations</u>	<u>On-Lot Sewage And 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.	50,000 sq. ft.	30,000 sq. ft.
Lot Width	200 feet	150 feet	120 feet
Building Setback	60 feet	60 feet	60 feet
Rear Yard	60 feet	50 feet	50 feet
Side Yard Total	60 feet	60 feet	30 feet
Each Yard	30 feet	30 feet	15 feet
Improvement Setback	20 feet	20 feet	10 feet
Buffer Yard (Depth)	10 feet	10 feet	10 feet
Landscaped Area	50 percent	40 percent	30 percent
<u>Maximum Regulations</u>			
Building Height	50 feet	50 feet	50 feet
Lot Coverage	30 percent	30 percent	40 percent
Paved Area	40 percent	50 percent	60 percent

(e) 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 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.

(f) Supplementary Regulations. All Sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Highway Commercial District.

(Ordinance 130, December 9, 1991, Section 405; as amended by Ordinance 146, August 29, 1994, Sections 1 & 2; as further amended by Ordinance 164, April 26, 1999, Section 4; as further amended by Ordinance 196, April 15, 2003, Section 7; as further amended by Ordinance 229, December 19, 2006, Sections 5 & 6; as further amended by Ordinance 234, April 17, 2007, Section 3; as further amended and restated by Ordinance 246, August 6, 2008, Section 3)

Section 406. SCC - Shopping Center Commercial District.

(a) 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.

(b) Uses Permitted by Right. The following, as a principal use, their accessory uses and no other, are permitted by right in the Shopping Center District, provided that the use, type, dimensional and all other applicable requirements of this Chapter have been satisfied:

(1) All uses permitted by right in the Highway Commercial District, provided the use meets the area, yard and height requirements (Subsection 405(e)) of the Highway Commercial District.

(2) Shopping center, mall, plaza or mini-mall, subject to Section 938 of this Chapter.

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

(4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(c) Uses Permitted by Special Exception. The following, as a principal use, their accessory uses and no other, are permitted in the Shopping Center District when a special exception is granted by the Zoning Hearing Board to and in accordance with Part 11 of this Chapter:

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

(2) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(3) Exportation and/or extraction of groundwater, subject to the requirements specified under Section 950 of this Chapter.

(d) Area, Yard and Height Regulations. Each of the following minimum and maximum dimensional requirements shall apply to each permitted use in the Shopping Center Commercial District, except as specifically provided for in this Chapter:

Minimum Regulations

Lot Area	3 acres
Lot Width	250 feet
Building Setback	80 feet
Rear Yard	50 feet
Side Yard	
Total	80 feet
One Side	40 feet
Improvement Setback	30 feet

Buffer Yard (Depth)	20 feet
Landscaped Area	30 percent

Maximum Regulations

Building Height	50 feet
Lot Coverage	40 percent
Paved Area	60 percent

(e) 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.

(f) Supplementary Regulations. All Sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Shopping Center Commercial District.

(Ordinance 130, December 9, 1991, Section 406; as amended by Ordinance 234, April 17, 2007, Section 4; as further amended and restated by Ordinance 246, August 6, 2008, Section 4)

Section 407. LI/O - Light Industrial/Office District.

(a) Purpose. The purpose of the Light Industrial/Office District is to provide an area for a generalization of light industrial land uses or for the development of a unified office park of professional and corporate offices which services and provides for the basic needs of the surrounding residential communities of the Township. The Light Industrial/Office District is located and centralized in an area which will adequately accommodate industrial and commercial growth provided that each existing and proposed land use does not affect the public health, safety and general welfare of the adjacent residential areas.

(b) Uses Permitted by Right. The following, as a single principal use, such accessory uses and no other additional or multiple uses(s), is permitted by right in the Light Industrial/Office District, provided that the use, type, dimensional and all other applicable requirements of this Chapter have been satisfied:

(1) General agricultural uses, subject to Section 905 of this Chapter.

(2) Business, professional or government office.

(3) Manufacturing activities such as, but not limited to, assembly, bottling, compounding, fabrication, packaging, processing, production and repair.

(4) Municipal use.

(5) Printing, binding or publishing facilities.

(6) Public utilities, subject to Section 929 of this Chapter.

(7) Retail business establishment such as, but not limited to, antiques, appliances, auto parts, beverages, bicycles, books (except adult bookstores), carpeting, clothing, convenience store with or without gasoline pumps, dry goods, flowers, food, furniture, hardware, household supplies, jewelry, newspapers, periodicals, pharmaceuticals, sporting goods, stationary and tobacco.

(8) Warehouse facilities.

(9) Wholesale and distribution facilities.

(10) Industrial park, subject to Section 940 of this Chapter.

(11) Professional office/research park, subject to Section 939 of this Chapter.

(12) Accessory uses and structures to the above permitted uses when on the same lot.

(13) Multiple industrial and office uses permitted in combination and occupancy subject to the following conditions:

(i) The following industrial and office uses and no other shall be permitted in combination:

a) Business, professional or government office;

b) Manufacturing activities such as, but not limited to, assembly, bottling, compounding, fabrication, packaging, processing, production and repair;

c) Municipal uses;

d) Printing, binding or publishing facilities;

e) Public utilities, subject to Section 929 of this Chapter;

f) Warehouse facilities;

g) Wholesale and distribution facilities.

(ii) The total lot coverage for the industrial and office uses permitted in combination shall not exceed forty percent (40%) of the total land area.

(iii) The total paved area for the industrial and office uses permitted in combination shall not exceed sixty percent (60%) of the total land area.

(iv) Unless otherwise permitted by the Board of Supervisors, the industrial and office uses shall be individually serviced by municipal sewage facilities.

(v) Unless otherwise permitted by the Board of Supervisors, the industrial and office uses shall be individually serviced by public water supply where accessible.

(vi) The industrial and office uses shall consist of harmonious land uses, structures and services.

(vii) Multiple industrial and office uses permitted in combination shall be in single ownership of land/structure or under a guaranteed unified management control.

(viii) Retail business and service establishments are permitted provided they are designed and intended primarily to serve the employees within the permitted industrial and office uses. These uses shall not exceed five percent (5%) of the gross floor area of the permitted industrial uses.

(ix) 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, the County and/or PennDOT.

(x) 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.

(xi) Lighting for buildings, signs, accessways and parking areas shall be arranged so they do not reflect towards any public street or residential zoning districts.

(xii) Exterior storage areas for trash and rubbish shall be properly screened so as to preclude the storage areas from being visible from adjacent properties or road surfaces. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area shall be permitted within thirty feet (30') from any lot line.

(xiii) All signs shall be consistent with Subsection 927(f) excluding Subsection 927(f)(3) of this Chapter. The total area of all signage for combined or multiple industrial and office uses shall not exceed the maximum signage permitted under Subsection 927(f)(1) of this Chapter.

(xiv) The site utilized for the multiple industrial and office uses shall conform to the area, yard and height regulations that are specified under Subsection 407(e) of this Chapter.

(xv) All proposed multiple industrial and office uses, 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 (see Chapter XXVII of the Township Code of Ordinances).

(c) Uses Permitted by Conditional Use. The following, as a principal use, their accessory uses and no other, are permitted in the Light Industrial/Office 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. Heliport is hereby defined as any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon. The heliport itself shall be subject to all Area, Yard and Height regulations set forth in Subsection (e) of this Section and all other provisions of the Amity Township Zoning and Subdivision and Land Development Ordinance.

(d) Uses Permitted by Special Exception. The following, as a principal use, their accessory uses and no other, are permitted in the Light Industrial/Office District when a special exception is granted by the Zoning Hearing Board to and in accordance with Part 11 of this Chapter:

(1) Home occupation, subject to Section 903 of this Chapter.

(2) Junk yards, subject to Section 938 of this Chapter.

(3) Metal processing facilities.

(4) Quarrying, mining or extracting operations, subject to Section 941 of this Chapter.

(5) Solid waste disposal facilities, subject to Section 936 of this Chapter.

(6) Truck distribution center.

(7) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(8) Kennels, subject to Section 947 of this Chapter.

(e) Area, Yard and Height Regulations. Each of the following minimum and maximum dimensional requirements shall apply to each permitted use in the Light Industrial/Office District, except as specifically provided for in this Chapter:

Minimum Regulations

Lot Area	3 acres
Lot Width	250 feet
Building Setback	80 feet
Rear Yard	50 feet
Side Yard	
Total	80 feet
One Side	40 feet
Improvement Setback	30 feet

Buffer Yard (Depth)	20 feet
Landscaped Area	30 percent

Maximum Regulations

Building Height	50 feet
Lot Coverage	40 percent
Paved Area	60 percent

(f) 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/Office 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.

(g) Supplementary Regulations. All Sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for the Light Industrial/Office District.

(Ordinance 130, December 9, 1991, Section 407; as amended by Ordinance 146, August 29, 1994, Sections 1 & 3; as further amended by Ordinance 164, April 26, 1999, Section 5; as further amended by Ordinance 188, May 6, 2002, Section 1; as further amended by Ordinance 229, December 19, 2006, Sections 7 & 8; as further amended by Ordinance 234, April 17, 2007, Section 5; as further amended and restated by Ordinance 246, August 6, 2008, Section 5)

Part 5

Environmental Protection Overlay District Regulations

Section 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 Chapter to incorporate the "Environmental Protection Overlay Concept" to implement this goal.

The Environmental Protection Overlay Districts incorporated under this Part 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
Wetland 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. (Ordinance 130, December 9, 1991, Section 501; as amended by Ordinance 192, September 16, 2002, Section 3)

Section 502. Floodplain Overlay District.

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

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

(c) The Amity Township Floodplain Ordinance (see Chapter X of the Township Code of Ordinances) has been adopted by the Board of Supervisors on December 1, 1997. The purpose, intent, application procedures, administrative controls, identification of all floodplain areas, technical provisions, permitted land uses, activities requiring special exceptions, existing or non-conforming provisions, variance procedures, technical definitions and enactment are comprehensively outlined under said Amity Township Floodplain Ordinance (see Chapter X of the Township Code of Ordinances).

(d) For the purposes of this Chapter, all activities within the floodplain shall conform with the provisions and requirements outlined under the Amity Township Floodplain Ordinance (see Chapter X of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 502; as amended by Ordinance 164, April 26, 1999, Section 6)

Section 503. Hydric Soil Overlay District.

(a) Purpose.

(1) 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 Chapter, the more restrictive provisions shall apply.

(2) 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.

(b) Designation of Hydric Soil Areas.

(1) 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.

(2) The hydric soils which have been identified, described and delineated within the 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)

(3) It is the intention of this Chapter, 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.

(4) Development within areas with hydric soils shall be subject to Section 506 (Wetland Overlay District) of this Chapter.

(c) Uses Permitted by Conditional Use.

(1) 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 Chapter and Agricultural (General) subject to

Subsection 905(a) of this Chapter. Notwithstanding Subsection 906(c) hereof, recreation uses involving impervious cover, permanent structures, or regrading are permitted only when there is no practical alternative, as determined by the Board of Supervisors.

(d) Boundary Disputes and Appeals Procedures.

(1) 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 the Township Engineer utilizing the criteria listed under Subsection 503(b) (Designation of Hydric Soil Areas) of this Chapter.

(2) Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Chapter.

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

(4) 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.

(5) 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 Supervisors.

(Ordinance 130, December 9, 1991, Section 503; as amended by Ordinance 192, September 16, 2002, Sections 4 & 5)

Section 504. High Water Table Overlay District.

(a) Purpose.

(1) 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 Chapter, the more restrictive provisions shall apply.

(2) 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.

(b) Designation of High Water Table Areas.

(1) 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.

(2) 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.

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

(4) The alluvial and high water table soils which have been identified, described and delineated within the 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
Baile *	Ba, Bd
Bowmansville *	Bo
Burgin *	Bu
Croton *	CrA, CrB2
Glenville	GlA, GlB2
Lehigh	LhA, LhB2, LhC3
Lindside	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.

(5) It is the intention of this Chapter, 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.

(c) Uses Permitted by Right. 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 Township Ordinance:

(1) General agriculture uses, subject to Subsection 905(a) of this Chapter.

(2) Municipal use.

(3) Public and private recreation uses not involving impervious cover, permanent structures, or regrading, 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 Chapter.

(4) Woodland or game preserve, wildlife sanctuary or similar conservation use.

(5) Accessory uses to the above permitted uses when on the same lot as the permitted use.

(d) Uses Permitted by Conditional Use. Public or private recreation involving permanent structures, impervious cover, or regrading are permitted only when there is no practical alternative, as determined by the Board of Supervisors and notwithstanding Subsection 906(c) hereof.

(e) Uses Permitted by Special Exception. Notwithstanding Subsection 906(c) hereof, 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 Part 11 of this Chapter:

(1) 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.

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

(3) Public utility uses, subject to Section 929 of this Chapter.

(4) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

(f) Boundary Disputes and Appeals Procedures.

(1) 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 the Township Engineer utilizing the criteria listed under Subsection 504(b) (Designation of High Water Table Areas) of this Chapter.

(2) Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Chapter.

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

(4) 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.

(5) 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 Supervisors.

(Ordinance 130, December 9, 1991, Section 504; as amended by Ordinance 192, September 16, 2002, Section 6)

Section 505. Steep Slope Overlay District.

(a) Purpose.

(1) 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 provisions or regulations of this Chapter, the more restrictive provisions shall apply.

(2) The purpose of establishing provisions for areas 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.

(b) Designation of Steep Slope Areas.

(1) The Steep Slope Overlay District shall include all areas where the topography exceeds twenty-five percent (25%) in slope in pre-development conditions. The Township, through the collaboration, implementation and adoption of the Township 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 fifteen percent (15%); between fifteen percent (15%) and twenty-five percent (25%); and greater than twenty-five percent (25%).

(2) It is the intention of this Chapter 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.

(c) 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 Township ordinance:

(1) General agricultural uses, subject to Section 905(a) of this Chapter.

(2) Municipal use.

(3) 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.

(4) Accessory uses to the above permitted uses when on the same lot as the permitted use provided that the accessory use is not constructed on slopes exceeding twenty-five percent (25%) in grade.

(d) Uses Permitted by Conditional Use.

(1) Private and public recreation uses including horse riding trails, hiking trails, boating, fishing, camping, hunting subject to Section 906 of this Chapter. Notwithstanding Section 906(c) hereof, recreation uses involving permanent structures, impervious cover, or regrading are permitted only when there is no practical alternative, as determined by the Board of Supervisors.

(e) Uses Permitted by Special Exception. 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 Part 11 of this Chapter:

(1) Public utility uses, subject to Section 929 of this Chapter.

(2) Accessory uses to the above permitted uses when on the same lot as the permitted use.

(f) Development Procedures.

(1) 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.

(2) Plans shall show existing topography, proposed structure and building locations, streets and driveways location and grade, site drainage, sanitary facilities, grading plan, and 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.

(3) 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 feet (2') 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.

(4) The Zoning Officer should maintain a map or overlay including areas of steep slopes.

(g) Boundary Disputes and Appeals Procedures.

(1) 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 the Township Engineer utilizing the criteria listed under

Subsection 505(b) (Designation of Steep Slope Areas) of this Chapter.

(2) Any person aggrieved by this decision may appeal to the Zoning Hearing Board as specified in this Chapter.

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

(4) 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.

(5) 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 Supervisors.

(Ordinance 130, December 9, 1991, Section 505; as amended by Ordinance 164, April 26, 1999, Section 7; as further amended by Ordinance 192, September 16, 2002, Section 7)

Section 506. Wetlands Overlay District.

(a) Purpose.

(1) The areas subject to wetlands within the Township shall be an overlay to the existing underlying district. As such, these provisions regulating wetlands shall be a supplement to the underlying district provisions. Where conflicts arise between provisions or regulations of this Chapter, the more restrictive provisions shall apply.

(2) The purpose of establishing provisions for areas which may encounter wetlands 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.

(b) Designation of Wetland Areas.

(1) The U.S. Army Corps of Engineers in conjunction with the United States Environmental Protection Agency have defined the term "wetlands" as follows:

"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 (3) major characteristics of wetlands include vegetation, soil and hydrology.

(2) All land designated as "wetlands" within the Township are subject to restrictions and/or permits by the Pennsylvania

Department of Environmental Protection and the United States Army Corps of Engineers.

(3) For all subdivision and land development applications, the Township Engineer shall determine whether a wetlands delineation will be required by a qualified professional. Any subdivision or land development on a property with surface water and/or hydric soils shall require a wetlands delineation. Delineated wetlands shall be accompanied by a technical report and data forms.

(4) For all zoning districts, a ten feet (10') buffer zone shall be applied to all areas delineated as wetlands. Within this ten feet (10') buffer zone no earth disturbance will be permitted, unless in association with wetlands disturbance activities under permit by the Army Corps of Engineers or Pennsylvania Department of Environmental Protection.

(5) If any provisions specified under this Section are in dispute, 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.

(c) Uses Permitted by Right.

(1) Natural Resource Conservation.

(2) Unimproved Paths and Trails.

(Ordinance 192, September 16, 2002, Section 8; as amended by Ordinance 215, July 5, 2005, Section 2)

Part 6

Cluster Development Regulations

Section 601. Statement of Intent. The purpose of this Part is to provide development and design standards for cluster developments containing single-family detached dwelling units. It is the intent of these standards to:

(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.

(Ordinance 130, December 9, 1991, Section 601)

Section 602. Development and Design Standards.

(a) Eligibility.

(1) Cluster developments containing single-family dwelling units are permitted by conditional use in the Medium Density Residential (MDR) Zoning District and by right in the Low Density Residential (LDR) Zoning District.

(2) The development shall contain a minimum contiguous land area of ten (10) acres.

(3) When public sewer and water systems are provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on-lot septic disposal (including community on lot disposal systems) and/or on-lot water wells are provided, a minimum of forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(b) Density Specifications.

(1) The Cluster Development shall not exceed the following maximum permitted densities:

<u>Zoning District</u>	<u>Maximum Density</u>
LDR	0.5 dwelling units/acre with on-lot septic disposal (including community on lot disposal systems) and/or well
	1.0 dwelling units/acre with public sewer and water
MDR	3.63 dwelling units/acre

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

(3) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District (Part 5).

(c) 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 Chapter:

Minimum Regulations	<u>Public Sewer and Water</u>	<u>On Lot Sewer and/or Water</u>
Lot Area	20,000 square feet	43,560 square feet
Lot Width	100 feet	150 feet
Building Setback	30 feet	40 feet
Rear Yard	20 feet	30 feet
Side Yard		
Total	20 feet	40 feet
One Side	10 feet	20 feet
Common Open Space	50 percent	40 percent
(Development)		
Buffer Yard Depth	10 feet	10 feet
(Development)		

Maximum Regulations

Building Height	35 feet	35 feet
Lot Coverage	25 percent	25 percent
Woodland Extraction	30 percent	30 percent
(Development)		

(d) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for cluster developments.

(Ordinance 130, December 9, 1991, Section 602; as amended by Ordinance 164, April 26, 1999, Section 8; as further amended by Ordinance 192, September 16, 2002, Section 9)

Section 603. Open Space Standards.

(a) Requirements and Specifications.

(1) If public sewer and water service is provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on lot well and/or on-lot septic (including community on lot disposal systems) is provided, forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(2) The common open space shall not include areas that have been devoted to roads, utilities easements and/or stormwater management facilities.

(3) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible. At least ten percent (10%) of the common open space shall be available to active recreational use, to the satisfaction of the Board of Supervisors, based upon guidelines issued by the Board of Supervisors.

(4) The accessible area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the development containing no less than fifty percent (50%) of the required open space.

(5) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

(b) Management and Maintenance.

(1) 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.

(2) The developer of the cluster development shall have the following options for ownership, management and maintenance of the common open space:

(i) Retain ownership and responsibility for the management and maintenance; or

(ii) Dedicate the land to a homeowners association which is comprised of all the residents of the cluster development; or

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

(3) 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.

(Ordinance 130, December 9, 1991, Section 603; as amended by Ordinance 192, September 16, 2002, Section 10)

Section 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 this Chapter and in the Amity Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). (Ordinance 130, December 9, 1991, Section 604)

Part 7

Planned Residential Development Regulations

Section 701. Statement of Intent. 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 (the Pennsylvania Municipalities Planning Code), adopts this Part 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.

(Ordinance 130, December 9, 1991, Section 701)

Section 702. Development Standards.

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

- (1) Planned residential development is permitted as a conditional use within the MDR (Medium Density Residential) Zoning District.
- (2) The planned residential development shall consist of a minimum contiguous land area of fifty (50) acres in the MDR (Medium Density Residential) Zoning District.
- (3) 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 feet (60') in width of ultimate right-of-way.
- (4) 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.

(5) A minimum of fifty percent (50%) 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).

(b) Permitted Uses.

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

(2) 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.

(c) Density Specifications.

(1) The PRD shall not exceed the overall gross residential density of four (4) dwelling units per acre in the MDR (Medium Density Residential) Zoning District.

(2) The PRD shall not exceed the net residential density for the following residential uses:

<u>Dwelling Type</u>	<u>Maximum Design Density</u>
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

(3) The PRD shall comply with the following proportions for each residential use:

<u>Dwelling Type</u>	<u>Percentage of Total Units</u>
Single-family detached	Minimum of 25%
Single-family semi-detached	Maximum of 30%
Townhouses	Maximum of 60%
Apartments	Maximum of 40%

(4) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District.

(Ordinance 130, December 9, 1991, Section 702; as amended by Ordinance 164, April 26, 1999, Section 9; as further amended by Ordinance 192, September 16, 2002, Section 11; as further amended by Ordinance 236, May 16, 2007, Sections 2, 3 & 4)

Section 703. Design Standards.

(a) Comprehensive Planning Considerations.

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

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

(3) 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.

(4) 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(b) Residential Site Design and Location.

(1) All structures shall be designed with regard to topography and natural features of the site.

(2) The PRD should encourage architectural variations and interest in the layout and character of housing structures and setbacks.

(3) All buildings and structures shall be designed and located to enhance privacy and insure natural light for all principal rooms.

(4) The proposed residential dwelling units located within the PRD should not be located along existing roads within the Township and/or along any proposed interior collector street. This provision may be waived by the Township if the applicant demonstrates that the design options are limited based on physical development constraints.

(c) Area, Yard and Height Regulations.

(1) 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 Part or Chapter.

<u>Minimum Regulations</u>	<u>Single-family Detached</u>	<u>Single-family Semi-Detached</u>	<u>Townhouses</u>	<u>Apartments</u>
Lot Area (net)	10,000 sq. ft.	8,000 sq. ft.*	-----	-----
Lot Width	70 feet	60 feet*	20 feet	200 feet
Building Setback	40 feet	40 feet	30 feet	70 feet
Rear Yard	30 feet	30 feet	30 feet	70 feet
Side Yard	10 feet	10 feet	30 feet	50 feet
 <u>Maximum Regulations</u>				
Building Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	20 percent	20 percent	-----	-----

* Per Dwelling Unit

(2) In addition to the area, yard and height regulations specified above, the following provisions will apply:

(i) No structure shall be constructed within fifty feet (50') of the one hundred (100) year flood boundary on soils that have been classified as hydric, alluvial and/or having a high water table, and slopes that exceed twenty-five percent (25%).

(ii) 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.

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

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

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

(3) Residential development is subject to all relevant design standards and improvement specifications defined in this Chapter and/or the Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(d) Non-Residential Site Design and Location.

(1) 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.

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

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

(4) 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.

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

(6) Non-residential development is subject to comply with all relevant design standards and improvement specifications defined in this Chapter and/or the Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(e) Street Design Standards.

(1) 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.

(2) The PRD shall provide a system of collector and minor streets that will provide a safe and efficient measure of ingress/egress.

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

(4) 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.

(5) 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 feet (500') 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 Township.

(6) In addition to the above specifications, the PRD should comply with all technical requirements for streets, conforming to the policies of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) and this Chapter. This includes all specifications and requirements for

street widths, grades, horizontal curves, vertical curves, intersections, sight distances, access restrictions, cul-de-sac's, names of streets and construction materials.

(7) The Board of Supervisors, or the 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.

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

(f) Parking Design and Loading Area Requirements.

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

(2) There shall be one (1) off-street parking space measuring ten feet (10') by twenty feet (20') 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.

(3) Parking areas shall be arranged to prevent through traffic to other parking areas.

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

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

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

(7) 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.

(8) 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.

(9) Every building or structure used for commercial purposes shall provide one (1) off-street truck loading space for the first ten thousand (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 forty thousand (40,000) square feet of gross floor area.

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

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

(12) 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 Chapter. All off-street parking and loading areas shall not be construed as part of the common open space.

(g) Street Lighting and Sign Standards.

(1) 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.

(2) 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 the Planning Commission, if designated, at the time of request for Final Approval, which reserves the rights to reject any or all outdoor signs.

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

(4) In addition to the above specifications, the PRD should comply with all other specifications for street lighting, signs and furniture in this Chapter and in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(h) Sanitary Sewage Disposal.

(1) The PRD will be served by public or community sewage disposal system.

(2) The sanitary sewage system shall be designed and constructed in accordance with all Pennsylvania Department of Environmental Protection guidelines and standards that govern sewage disposal.

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

(4) All preliminary planning and engineering of the proposed sewage system shall be submitted with the tentative development plan.

(5) The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for all sewage disposal facilities and techniques. This approval shall be submitted with the final plan.

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

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

(i) Water Supply.

(1) 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.

(2) All residential and non-residential buildings shall be serviced by public or community water.

(3) All preliminary planning and engineering for the proposed water supply system shall be submitted with the tentative development plan.

(4) The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for the water supply system. This approval shall be submitted with the final plan.

(5) 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 Township.

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

(7) The water supply system shall be certified operational by the Pennsylvania Department of Environmental Protection before occupancy permits are issued.

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

(j) Solid Waste Management.

(1) 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.

(2) The PRD shall have a plan for the storage and removal of solid waste. This plan shall be in accordance with all applicable Township ordinances.

(k) Storm Water Management.

(1) The PRD shall have a plan for storm water management. This storm water management plan shall be submitted with the tentative plan.

(2) All storm run-off and drainage systems shall be designed and installed in accordance with the storm water management regulations specified by the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(l) Erosion and Sediment Control.

(1) 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 Protection under Title 25, Chapter 102.

(2) The erosion and sediment control plans shall be approved by the Pennsylvania Department of Environmental Protection and/or the County Conservation District.

(m) Landscaping and Tree Conservation.

(1) 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.

(2) All parking areas (interior and periphery) shall be adequately landscaped in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(3) 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.

(4) In addition to the above specifications, the PRD shall comply with all specifications under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(5) 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.

(n) Natural Amenities and Environmental Considerations.

(1) 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.

(2) No structure shall be constructed within fifty feet (50') of the one hundred (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 twenty-five percent (25%) in grade (pre-development conditions). These areas have been classified, categorized and identified under Part 5 (Environmental Protection Overlay District Regulations) of this Chapter.

(3) The developer of the PRD shall be obligated to conduct the following analysis:

(i) Topographical Analysis. Identify slope areas over twenty-five percent (25%) in pre-development conditions.

(ii) Soil Analysis. Identify soils that are alluvial, hydric (high water table), unsuitable for development, susceptible to erosion and/or are associated with aquifer recharge.

(iii) Hydrological Analysis. Identify the one hundred (100) year flood boundary, wetlands, bodies of waters (streams, rivers, lakes) and all natural drainage patterns.

(iv) Geological Analysis. Identify sinkholes, karst formations, outcroppings, shallow bedrock areas and/or aquifer recharge zones.

(v) Geotechnical Analysis. Determine through core boring samples the structural stability for development.

(vi) Foliage Analysis. Identify and determine the characteristics, aggregate and type of woodland and meadowland areas at pre- and post-development conditions.

(4) The Board of Supervisors, or the 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.

(5) Significant natural features shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.

(6) In addition to the above specifications and requirements, the PRD shall comply with all specifications under Part 5 (Environmental Protection Overlay District Regulations) of this Chapter.

(o) Curbs and Sidewalks.

(1) 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.

(2) All proposed curbs and sidewalks within the PRD shall be designed in accordance with the standards and specifications of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 703; as amended by Ordinance 192, September 16, 2002, Section 12; as further amended by Ordinance 229, December 19, 2006, Sections 9, 10 & 11)

Section 704. Open Space Standards.

(a) Requirements and Specifications.

(1) A minimum of fifty percent (50%) of the gross area of the PRD shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(2) The common open space shall be planned as a contiguous area located for maximum benefit for all residents of the PRD.

(3) Significant natural features (Subsection 703(n)) shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.

(4) A minimum of twenty-five percent (25%) of the common open space shall be available for the development of active recreation facilities and every effort shall be made to adhere to the Township Comprehensive Recreation Plan. The utilization of the common open space shall correspond to the size and character of the PRD.

(5) The area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the PRD containing no less than fifty percent (50%) of the required open space.

(b) Management and Maintenance.

(1) 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.

(2) The developer of the PRD shall have the following options for ownership, management and maintenance of the common open space:

(i) Retain ownership and responsibility for the management and maintenance; or

(ii) Dedicate the land to a homeowners association which is comprised of all the residents of the PRD; or

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

(3) 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:

(i) The homeowners association must be established before any lots or units are sold.

(ii) Membership shall be mandatory for each home buyer and any successive buyer.

(iii) The open space restrictions must be permanent.

(iv) The association shall be responsible for the liability insurance, taxes and maintenance of the open space and recreational facility.

(v) The association shall employ an adequate staff to manage and maintain the common open space.

(vi) The homeowners shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.

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

(viii) The Township may supervise the operation, management and maintenance of the common open space.

(4) 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.

(5) The Township 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 Township 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.

(6) 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 Township 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 thirty (30) days thereof.

(7) If the deficiencies set forth in the original notice are not corrected within said thirty (30) days, or any extension thereof, the Township, 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 (1) year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

(8) Before the expiration of said year, the Township 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, and shall show cause why such maintenance

by the Township shall not, at the option of the Township, 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 reasonable condition, the Township shall cease to maintain said common open space at the end of 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 Township 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.

(9) 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.

(10) The cost of such maintenance by the Township 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 Township, 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.

(Ordinance 130, December 9, 1991, Section 704; as amended by Ordinance 192, September 16, 2002, Section 13)

Section 705. Improvement Specifications.

(a) General Requirements.

(1) 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 Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(2) All applicable Township ordinances and/or regulations that pertain to improvements shall be enforced.

(Ordinance 130, December 9, 1991, Section 705)

Section 706. Application, Submission and Review Procedures.

(a) Pre-application Conference.

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

(2) The applicant shall verbally expound all intentions for PRD.

(3) The Board of Supervisors, or the 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.

(b) Application for Tentative Approval.

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

(2) An application for tentative approval of the development plan for a PRD shall be filed by or on behalf of the landowner.

(3) 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 Township as shall be designated in the provisions adopted pursuant to this Section.

(4) 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 Township, shall be determined and established by the Board of Supervisors, or the Planning Commission, if designated.

(5) 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:

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

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

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

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

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

(vi) 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;

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

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

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

(x) 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.

(6) 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 Township.

(7) 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 Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) and this Chapter.

(c) Public Hearing.

(1) Within sixty (60) days after the filing of an application for tentative approval of a PRD pursuant to Subsection 706(b), 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 Part 11 of this Chapter.

(2) 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.

(3) The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Part prior to final approval by the Board of Supervisors. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Part 11 of this Chapter.

(d) The Findings.

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

(i) Grant tentative approval of the development plan as submitted;

(ii) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

(iii) Deny tentative approval to the development plan.

(2) 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 of 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.

(3) 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.

(e) 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.

(f) Application for Final Approval.

(1) An application for final approval may be for all of 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 Township 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.

(2) 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 this Chapter and the official written communication of tentative approval, the Township shall grant such final approval to the PRD, as required by the Act, as amended.

(3) 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:

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

(ii) 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 thirty (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 thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within thirty (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 Chapter.

(4) 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 Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(5) 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 this Chapter in the manner prescribed for such amendments.

(Ordinance 130, December 9, 1991, Section 706)

Section 707. Administration and Review.

(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 Part 11 (Administration and Enforcement) of this Chapter shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part 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 Part and the conditions of final approval.

(d) A PRD shall be designed in accordance with the design standards and regulations of Part 7 and the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) unless a waiver is granted or there is a conflict between them. In the case of a conflict, Part 7 of this Chapter shall govern.

(e) Any person, partnership or corporation who or which has violated the PRD provisions and specifications under Part 7 of this Chapter shall be subject to all enforcement remedies in accordance with the Act, as amended.

(Ordinance 130, December 9, 1991, Section 707)

Part 8

Mobile Home Park Regulations

Section 801. Statement of Intent. The Township, being confronted with increasing urbanization adopts this Part for the following purposes:

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

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

(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.

(Ordinance 130, December 9, 1991, Section 801)

Section 802. Development and Design Standards.

(a) Eligibility.

(1) Mobile home parks are permitted by right in the Mobile Home Park (MHP) Zoning District.

(2) The mobile home park shall consist of a minimum contiguous land area of ten (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 exiting street not exceeding sixty feet (60') in ultimate right-of-way.

(3) 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.

(4) A minimum of ten percent (10%) 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.

(b) Design Standards.

(1) 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.

(2) The mobile home park shall not exceed four (4) dwelling units per gross acre.

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

<u>Minimum Regulations</u>	<u>Single Wide Units (< 61')</u>	<u>Single Wide Units (> 61')</u>	<u>Double Wide Units</u>
Lot Area	5,000 sq.ft.	5,500 sq.ft.	10,000 sq.ft.
Lot Width	50 feet	50 feet	70 feet
Building Setback			
Interior Streets*	20 feet	20 feet	20 feet
Exterior Streets	100 feet	100 feet	100 feet
Rear Yard	15 feet	15 feet	15 feet
Side Yard (each)	10 feet	10 feet	10 feet
 <u>Maximum Regulations</u>			
Lot Coverage	30 percent	30 percent	30 percent
Woodland Extraction	60 percent	60 percent	60 percent

*Denotes that the design standards and specifications of Section 924 (Off-street Parking) of this Chapter will apply to the twenty feet (20') building setback if it is to be used for vehicular parking purposes.

(4) In addition to the bulk regulations listed above, the following provisions shall apply:

(i) No mobile home, accessory structure or common open space shall be located closer than one hundred feet (100') to the ultimate right-of-way of abutting public streets and fifty feet (50') to the rear or side property lines;

(ii) No structure shall be constructed on or within fifty feet (50') of any of the Environmental Protection Overlay Districts identified under Part 5 of this Chapter.

(iii) 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 one (1) single family.

(c) Development Standards.

(1) The mobile home park shall provide an evergreen planting screen along the property line of the periphery of the development to protect the privacy of adjacent residents, in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(2) 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.

(3) 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.

(4) All entrances shall conform to the standards of the Pennsylvania Department of Transportation, and when the entrance is from a State road, it 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.

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

(6) 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.

(7) All mobile homes shall be located, erected and anchored in accordance with all applicable standards and provisions specified in the Township Building Code and/or the manufacturers specifications.

(8) Each mobile home stand shall be equipped with utility connections. For reasons of safety, the space between the mobile home stand and the 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.

(9) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.

(10) 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 (see Chapter XXVII of the Township Code of Ordinances).

(11) 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 the Township, except as follows. No mobile home shall be permitted in the mobile home park which fails to meet the standards of the Township Building Code 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 Township Building Code, these regulations shall govern.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) All streets in the park shall be illuminated at a minimum level of 0.6 foot candles. Service to light standards shall be underground.

(17) Telephone lines shall be underground. There shall be a central television antenna system with underground service to each mobile home.

(18) 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 517, entitled "Landscaping Regulations", of Chapter XXVIII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(19) 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.

(20) The park shall have a plan for storm water management in accordance with all applicable Township regulations governing storm water management.

(21) The park shall have a plan for erosion and sediment control in accordance with all specifications set forth by the Pa. DER and the County Conservation District.

(22) 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.

(23) 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.

(24) A land development plan shall be submitted to the Township for review and approval for any structures and/or permanent additions.

(Ordinance 130, December 9, 1991, Section 802; as amended by Ordinance 164, April 26, 1999, Section 10; as further amended by Ordinance 229, December 19, 2006, Sections 12 & 13)

Section 803. Administration Proceedings.

(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 Protection. Such licenses and certificates shall be issued annually.

(b) Licenses are not transferable. Notice in writing shall be given to 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 Protection shall be required and a new application to the Township shall be made.

(c) The park shall furnish to 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 Board of Supervisors.

(Ordinance 130, December 9, 1991, Section 803)

Part 9

Supplementary Regulations

Section 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. (Ordinance 130, December 9, 1991, Section 901)

Section 902. Accessory Uses or Structures.

(a) General.

(1) Except as noted elsewhere in this Chapter, no accessory building or structure shall be permitted within any required front or side yard and within ten feet (10') 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 feet (10'), whichever is less.

(2) 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.

(3) Subsections 902(b) and 902(c) indicate accessory uses and their specifications for residential and non-residential land uses.

(b) Residential Provisions.

(1) Private non-commercial in-ground swimming pools which are designed to contain a water depth of twenty-four inches (24") or more must be located in the rear or side yard only, entirely enclosed with permanent fence not less than four feet (4') in height. Section 921 of this Chapter provides additional standards and provisions for swimming pools.

(2) Detached garages, greenhouses 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.

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

(4) Private non-commercial tennis courts shall not be located closer than fifteen feet (15') from any property line. A tennis court shall not be located over a drainage field of a sewage disposal system.

(5) Free standing earth station satellite receiving dishes shall be mounted at ground level (where possible) and shall not be located closer than fifteen feet (15') from any property lines.

(6) The keeping of domestic farm animals is permitted provided that all activities are in compliance with Section 905 (Agricultural Use Regulations) of this Chapter and do not result in a threat to the health and safety of the adjacent property owners.

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

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

(9) The maximum span of any one (1) side of any accessory structure (not including swimming pools) shall not exceed thirty-six feet (36').

(c) Commercial and Industrial Provisions.

(1) 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.

(2) Living quarters are permitted only for proprietors, watchmen, caretakers or similar employees.

(3) 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.

(Ordinance 130, December 9, 1991, Section 902; as amended by Ordinance 164, April 26, 1999, Sections 11 & 12; as further amended by Ordinance 198, August 5, 2003, Sections 1, 2 & 3)

Section 903. Home Occupation Regulations.

(a) Permitted Uses.

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

(2) Home occupations are permitted by conditional use in the RC (Rural Conservation), LDR (Low Density Residential) and the MDR (Medium Density Residential) Zoning Districts.

(3) Home occupations are permitted by special exception in the MHP (Mobile Home Park) and the LI/O (Light Industrial/Office) Zoning Districts.

(b) Standards.

(1) 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".

(2) 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 Chapter.

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

(4) 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.

(5) No more than one (1) home occupation per residence shall be permitted.

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

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

(8) Off-street parking facilities shall be provided for all home occupational uses. In addition, the following standards and specifications shall apply:

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

(ii) Each parking space shall have a minimum area of two hundred (200) square feet with minimum dimensions of ten feet (10') by twenty feet (20').

(iii) All proposed off-street parking facilities and driveways for the home occupational use shall be located in the rear of the structure/site. The off-street parking areas shall not be located within the required rear or side yard setback for the Zoning District in which it is located.

(iv) All proposed off-street parking facilities and driveways shall be paved in accordance with all standards specified by the Township. A maximum of ten percent (10%) of

the lot area shall be devoted to off-street parking facilities and driveways.

(v) The maximum grade of the area utilized for off-street parking facilities shall not exceed five percent (5%). The maximum grade of the area utilized for the driveway or access drive shall not exceed ten percent (10%).

(vi) The driveways, aisles and maneuvering space shall be designed to permit safe and convenient access.

(vii) The proposed off-street parking facilities and driveways for the home occupational use shall be buffered with vegetative screening. The buffer yard shall conceal the view of the off-street parking facilities and driveways from the view of all adjacent property owners. The buffer yard shall be consistent with the requirements of Section 517 (Landscaping) of Chapter XXVII (Subdivision and Land Development).

(viii) The proposed off-street parking facilities and driveways for the home occupational use shall not create any stormwater management or sedimentation control problems. If required by the Township, a stormwater management and erosion control plan shall be submitted for review.

(ix) A zoning permit issued by the Township is required for all proposed home occupations.

(c) No-Impact Home-Based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

(Ordinance 130, December 9, 1991, Section 903; as amended by Ordinance 146, August 29, 1994, Section 4; as further amended by Ordinance 196, April 15, 2003, Section 8)

Section 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 Protection.

(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.

(Ordinance 130, December 9, 1991, Section 904)

Section 905. Agricultural Use Regulations.

(a) General Agricultural Standards.

(1) Unless specifically stipulated within this Chapter, General Agricultural activities are a permitted use by right within all Zoning Districts in the Township.

(2) 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 one (1) for all lots with less than three (3) contiguous grazeable acres. For each additional contiguous grazeable acre over two (2), the total number of horses, cattle and/or livestock may be increased by one (1) per acre. 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).

(3) The raising and ownership of goats, sheep and/or similar livestock exceeding fifty (50) pounds in weight is permitted in all districts provided the minimum lot size exceeds two (2) contiguous

grazeable acres. The total number of goats, sheep and/or similar livestock shall not exceed five (5) for all lots with less than five (5) contiguous grazeable acres. For each additional contiguous grazeable acre over five (5), the total number of goats, sheep and/or similar livestock shall not exceed five (5) per acre up to a maximum total of one hundred (100).

(4) The raising and ownership of poultry is permitted in all 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 fifty (50) per acre up to a maximum of one thousand five hundred (1,500).

(5) 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 twenty-five (25) per acre up to a maximum of seven hundred fifty (750).

(6) The display and sale of farm products shall be permitted provided that at least seventy-five percent (75%) 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 twenty feet (20') from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924 of this Chapter.

(7) All areas utilized for grazing purposes shall be completely fenced in.

(b) Intensive Agricultural Standards.

(1) Unless specifically stipulated within this Chapter, 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 the Township. Intensive agricultural activities shall be prohibited in all other Zoning Districts.

(2) Agricultural activities that exceed the standards and provision specified under Subsection 905(a) (General Agricultural Standards) shall be construed as intensive agriculture.

(3) All intensive agricultural activities shall be conducted on lands that exceed fifty (50) acres in size.

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

(5) The raising and ownership of poultry shall not exceed five hundred (500) birds per acre.

(6) The raising and ownership of rabbits, guinea pigs, ferrets, hamsters, rodents or similar animals shall not exceed a total of two hundred fifty (250) per acre.

(7) No farm or other accessory outbuilding shall be constructed closer than two hundred feet (200') to any residential property line.

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

(9) The display and sale of farm products shall be permitted provided that at least seventy-five percent (75%) 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 twenty feet (20') from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924.

(10) All areas utilized for grazing purposes shall be completely fenced in.

(11) The cultivation of mushrooms shall be construed as an intensive agricultural activity.

(12) Piggeries and mink farms shall be construed as an intensive agricultural activity.

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

(14) 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.

(15) A nutrient management plan, a manure management plan, a conservation plan, a stormwater management plan, an erosion and sedimentation control plan, a solid waste management plan, and a hydrogeological resource plan shall be prepared by the applicant for all proposed intensive agricultural uses. All plans shall be submitted to the Township Engineer for review and comment. All such plans shall be approved by the Township prior to time the proposed intensive agricultural activity is permitted to commence.

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

(Ordinance 130, December 9, 1991, Section 905; as amended by Ordinance 164, April 26, 1999, Section 13)

Section 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 fifty feet (50') from all lot lines.

(b) No buildings shall be constructed within fifty feet (50') 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 (Part 5).

(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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(f) No driveway or access street shall be located within fifty feet (50') 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.

(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.

(i) A land development plan shall be required for all proposed recreational sites in accordance with the requirements of Act 247, as amended. In addition, all applications shall comply with applicable standards and specifications provided within this Chapter and the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 906; as amended by Ordinance 229, December 19, 2006, Section 14)

Section 907. Design Standards for Commercial and Industrial Uses. 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. (Ordinance 130, December 9, 1991, Section 907)

Section 908. Environmental Performance Standards for Commercial and Industrial Districts. Notwithstanding the laws and regulations of the United States Environmental Protection Agency (US EPA) and/or the Pennsylvania Department of Environmental Protection (PA DEP), the environmental performance standards listed under this Section will be utilized by the Board of Supervisors, the Planning Commission and the Township Engineer as supplemental regulations for reviewing existing or potential environmental impacts within the corporate limits of the Township.

(a) Air Management.

(1) Open burning is not permitted in the Township unless such burning is consistent with the provisions and restrictions set forth in Chapter IX of the Township Code of Ordinances (Fire Prevention and Fire Protection).

(2) 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.

(3) 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.

(4) The Air Pollution Control Act of 1960, P.L. 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.

(b) Noise and Vibration Control.

(1) 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:

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS (IN DECIBELS)

Along Residential District Boundaries		Along Commercial/ Industrial District Boundaries	
Between Frequency Band: Cycles Per Second	Between 12 A.M. & 6 A.M.	6 A.M. & 12 A.M.	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

(2) 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 (1) increase.

(3) 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.

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

(c) 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.

(d) Wastewater Management.

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

(2) Effluent must meet all standards specified by the Township and/or the Pennsylvania Department of Environmental Protection.

(e) Solid Waste Management.

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

(2) 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.

(3) All solid waste management violations must be rectified within a twenty-four (24) hour period.

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

(f) Outdoor Storage Control.

(1) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks or drums of less than six hundred (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.

(2) All storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.

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

(4) 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 Pennsylvania Department of Environmental Protection.

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

(g) Utility Management and Control.

(1) 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.

(2) Any utility which is viewed and regarded as offensive and unsightly shall be concealed by coniferous planting.

(h) Electromagnetic and Radioactive Radiation Control. 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.

(i) 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, retributions and rectification measures.

(Ordinance 130, December 9, 1991, Section 908)

Section 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 one (1) year, which may be renewed for three (3) month time periods up to and not exceeding one (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. (Ordinance 130, December 9, 1991, Section 909)

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

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

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

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

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

(Ordinance 130, December 9, 1991, Section 910; as amended by Ordinance 164, April 26, 1999, Sections 14 & 15)

Section 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. (Ordinance 130, December 9, 1991, Section 911)

Section 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 feet (100') 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. (Ordinance 130, December 9, 1991, Section 912)

Section 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. (Ordinance 130, December 9, 1991, Section 913)

Section 914. (Reserved for Future Use.) (Ordinance 246, August 6, 2008, Section 7)

Section 915. Visibility at Intersections. 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. (Ordinance 130, December 9, 1991, Section 915)

Section 916. Fences, Walls and Hedges. Notwithstanding other provisions of this Chapter, fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:

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

(b) No fence or wall, except a security fence or decorative retaining wall, shall exceed six feet (6') 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 the Zoning Officer.

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

(d) Cyclone fences are permitted provided they are adequately screened from the view of any adjacent properties with a high intensity buffer screen in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

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

(Ordinance 130, December 9, 1991, Section 916; as amended by Ordinance 164, April 26, 1999, Section 19; as further amended by Ordinance 229, December 19, 2006, Section 16)

Section 917. Corner Lot Restrictions. 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 three feet (3') and ten feet (10') above the centerline grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be one hundred fifty feet (150') measured in each direction along the through street from the point of the intersection of the street centerlines and from a point forty feet (40') behind the right-of-way of the intersecting street from the stop controlled street. Whenever a portion of the clear sight triangle occurs behind the building setback line, such portion shall be shown on the subdivision plan, and shall be considered a building setback line. (Ordinance 130, December 9, 1991, Section 917; as amended by Ordinance 215, July 5, 2005, Section 1)

Section 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 ten feet (10') to any lot line (except a lot line which is the projection of a common wall), and do not project into any required front yard.

(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 feet (5') into any required yard and shall not be located closer than

six feet (6') 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 feet six inches (3' 6") in height, do not project more than five feet (5') into any required yard, and are not located closer than six feet (6') to any lot line (except lot lines which are the projection of common walls).

(Ordinance 130, December 9, 1991, Section 918)

Section 919. [Reserved For Future Use] (Ordinance 130, December 9, 1991, Section 919; as amended by Ordinance 164, April 26, 1999, Section 20)

Section 920. Height Exceptions.

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

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

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

(Ordinance 130, December 9, 1991, Section 920; as amended by Ordinance 164, April 26, 1999, Section 21)

Section 921. Swimming Pools. Swimming pools shall be defined as a fixed body of water, twenty-four inches (24") or more in depth and with a water surface area of one hundred (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 or structural equipment shall not be permitted within the front yard, the side yard setbacks and/or within ten feet (10') of the rear lot line.

(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 four feet (4') in height. If the enclosure is a fence, the vertical and horizontal interfaces shall be no more than two inches (2") apart. All gates shall be equipped with locks.

(d) Above ground pools over four feet (4') 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 four feet (4') above the ground or removed and locked up elsewhere.

(e) In addition to the provisions identified under this Section, all swimming pools shall be located, designed, constructed and maintained in accordance with the provisions specified in the Township Building Code.

(Ordinance 130, December 9, 1991, Section 921; as amended by Ordinance 164, April 26, 1999, Section 22; as further amended by Ordinance 197, August 5, 2003, Sections 4 & 5)

Section 922. Lighting. When the property on which any activity is conducted is illuminated, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets. No 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. The intensity of illumination projected onto any property from another property shall not exceed 0.1 vertical foot candle measured at thirty inches (30") above the ground at the property line. In addition, all lighting shall be in accordance with Section 520 of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances. (Ordinance 130, December 9, 1991, Section 922; as amended by Ordinance 197, August 5, 2003, Section 6)

Section 923. Off-Street Loading Areas.

(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 ten feet (10') of any side or rear lot line.

(b) All such spaces shall have dimensions not less than twelve feet (12') by forty five feet (45') with a clearance of not less than fourteen feet (14') 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 SPACE REQUIREMENTS

<u>Gross Floor Area (Square Feet)</u>	<u>Spaces Required</u>
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 (1) 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

(Ordinance 130, December 9, 1991, Section 923)

Section 924. Off-Street Parking Facilities.

(a) Off-street parking facilities shall be provided whenever:

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

(b) Standards.

(1) Each parking space shall have a minimum area of two hundred (200) square feet and minimum dimensions of ten feet (10') by twenty feet (20'). 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.

(2) 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 three hundred feet (300') 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.

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

(4) Joint parking facilities for two (2) 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.

(5) All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. All lighting shall be in accordance with Section 520 of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances.

(6) 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 percent (5%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks and other premises.

(7) No areas necessary to fulfill the off-street parking requirements of this Chapter shall be used for the sales, dead-storage, repair, dismantling or servicing of vehicles.

(8) 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 Chapter for a similar new building or use.

(9) The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angles of Parking</u>	<u>Aisle Width</u>	
	<u>One Way</u>	<u>Two Way</u>
90 degrees	24'	24'
60 degrees	18'	
45 degrees	15'	
30 degrees	12'	

(10) When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4th) may be disregarded and any fraction over one-fourth (1/4th) shall necessitate the provision of a full parking space.

(11) The design of parking areas for all uses shall be such to prevent the back-up of vehicles on a public street.

(12) 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.

(13) 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.

(14) 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.

(15) All parking areas shall be landscaped in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(16) 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.

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

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

(18) 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 Subsection 924(c).

(19) Section 510 of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) provides additional design standards and specifications for off-street parking facilities.

(c) Requirements. Off-street parking requirement shall be as follows:

(1) Residential Uses. Two (2) parking spaces per dwelling unit.

(2) Wholesaling, Warehouse or Industrial Use. One (1) space per two (2) employees for the combined employment of the two (2) largest successive shifts.

(3) Restaurant, Tavern or Similar Use. One (1) space for each two (2) seats plus one (1) space for each full-time employee on the largest shift.

- (4) Retail and Service Establishments. One (1) space for each one hundred fifty (150) square feet of gross floor area.
- (5) Office Buildings. One (1) space for each two hundred (200) square feet of gross floor area.
- (6) Motel, Hotel, Tourist Home or Similar Establishments. One (1) space for each rental unit plus one (1) space for each employee on the largest shift.
- (7) Medical, Dental and Paramedical Offices and Clinics. Eight (8) spaces for each person engaged in practice.
- (8) Nursing Home, Convalescent Home or Home for the Aging. One (1) space for each employee plus one (1) space for each four (4) beds.
- (9) Hospital. One and one-half (1-1/2) spaces per bed.
- (10) Funeral Home. One (1) space for each four (4) seats.
- (11) Roadside Farm Stand. Not less than five (5) spaces.
- (12) Drive-In Eating Establishment (no indoor seating provided). One (1) space for each two thousand (2,000) square feet of lot area or one (1) space for every twenty-five (25) square feet of gross floor area, whichever is greater, plus one (1) space for each full-time employee on the largest shift.
- (13) Bowling Alley. Five (5) spaces per alley.
- (14) Auditorium, Gymnasium, Theater, Municipal Building, Place of Worship, Club or Lodge, Cafeteria Utilized for Public Assemblage, or Other Place of Public Assemblage. One (1) space for every three (3) seats.
- (15) Library or Museum. One (1) space per three hundred (300) square feet of gross floor area.
- (16) Nursery Schools. One (1) space per employee plus one (1) space for loading and unloading of children for each five (5) children accommodated in the school.
- (17) Elementary and Junior High Schools. One (1) space per employee plus ten (10) spaces per classroom. Refer to requirement (14) for additional requirements.
- (18) High Schools. One (1) space per four (4) students plus one (1) space for each employee. Refer to requirement (14) for additional requirements.
- (19) Skating Rink, Swimming Pools, Dance Hall, Indoor Recreational Establishment. One (1) space per fifty (50) square feet devoted to patron use.
- (20) Motor Vehicle Service Station or Repair Garage. Two (2) parking spaces per service bay.
- (21) Continuing Care Retirement Community. One (1) parking space per independent living unit and one (1) parking space for

every four(4) beds in assisted living and nursing or skilled units, plus one (1) parking space for each employee on the largest shift.

(22) Commercial Retirement Community. One and one-half (1 ½) off-street parking spaces for each dwelling unit and one (1) parking space for each two hundred (200) square feet of gross floor area of a Community Center.

(23) Age Restricted Housing. Two (2) off-street parking spaces shall be required for each dwelling unit plus one (1) parking space shall be required for each two hundred (200) square feet of gross floor area of a Community Center.

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.

(Ordinance 130, December 9, 1991, Section 924; as amended by Ordinance 164, April 26, 1999, Sections 23 & 24; as further amended by Ordinance 197, August 5, 2003, Section 7; as further amended by Ordinance 229, December 19, 2006, Section 17; as further amended by Ordinance 246, August 6, 2008, Section 8; as further amended by Ordinance 247, October 1, 2008, Section 4; as further amended by Ordinance 248, October 1, 2008, Section 4)

Section 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 percent (14%) in grade. Driveways exceeding seven percent (7%) in grade shall be paved.

(d) Driveways serving multi-family residential dwelling units and non-residential developments shall not exceed ten percent (10%) 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 Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) provides standards and guidelines for calculating site distances.

(f) Driveway entrances shall not intersect streets at angles of less than sixty degrees (60°) nor more than one hundred twenty degrees (120°).

(g) All driveways shall be located, designed and constructed in accordance with the standards for driveways specified in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(h) A Driveway Occupancy Permit, issued by the Township, shall be required for all proposed driveways entering onto a Township road. A Highway Occupancy Permit, issued by the Pennsylvania Department of

Transportation, shall be required for all proposed driveways entering onto a State road.

(Ordinance 130, December 9, 1991, Section 925)

Section 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 one hundred feet (100') of frontage on a public street shall have not more than one (1) accessway to each such street. No use with one hundred feet (100') or more frontage on a public street shall have more than two (2) accessways to any one (1) street for each three hundred feet (300') 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 (1) driveway to a parking area, the driveways, whenever possible, shall be limited to one (1)-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:

	<u>Minimum Width</u>	<u>Maximum Width</u>
One Way	12 Feet	26 Feet
Two Way	24 Feet	36 Feet

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

(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 seventy-five feet (75') from the intersection of any street lines.

(Ordinance 130, December 9, 1991, Section 926)

Section 927. Signs.

(a) Purpose and Application.

(1) 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.

(2) Signs existing at the date of enactment of this Ordinance and which do not conform to the requirements of this Chapter 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.

(b) Definitions.

(1) Electronic Message Display Sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

(2) Dissolve. A mode of message transition on an Electronic Message Display Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

(3) Fade. A mode of message transition on an Electronic Message Display Sign accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(4) Frame. A complete, static display screen on an Electronic Message Display Sign.

(5) Frame Effect. A visual effect on an Electronic Message Display Sign applied to a single frame to attract the attention of viewers which includes flashing.

(6) Scroll. A mode of message transition on an Electronic Message Display Sign where the message appears to move vertically across the display surface.

(7) Transition. A visual effect used on an Electronic Message Display Sign to change from one message to another.

(8) Travel. A mode of message transition on an Electronic Message Display Sign where the message appears to move horizontally across the display surface.

(c) Area Standards.

(1) 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.

(2) 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.

(3) 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.

(d) Permitted Signs - All Zoning Districts. These signs are permitted in all zoning districts and are subject to the following standards, provisions and specifications.

(1) Official traffic control signs and other official, Federal, State, County or Township government signs.

(2) 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.

(3) 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.

(4) 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.

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

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

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

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

(e) 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.

(1) 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, 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 feet (10') of the cartway.

(2) Sign, bulletin, announcement board or identification sign for schools, churches, clubs, multi-family dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

(3) Signs offering the sale of farm products, nursery products or livestock produced or raised on the premises, provided the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

(4) Signs denoting membership in agricultural associations or cooperatives or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign per ten feet (10') of road frontage.

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

(6) All illuminated signs, signs which emit light or Electronic Message Display Signs shall not be permitted for any use in a residential zoning district with the exception of municipal, school, public safety or church use.

(f) Permitted Signs - Multi-Family/Planned Residential Developments. The following signs are permitted in Multi-Family and/or PRD's:

(1) 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 (1) 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 (1) of the buildings it advertises. For the purposes of this Chapter, multi-family dwelling premises shall not be advertised by temporary real estate signs for more than twelve (12) months after building construction is completed.

(2) 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.

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

the individual buildings within the project shall not exceed two (2) square feet.

(4) All illuminated signs, signs which emit light or Electronic Message Display Signs shall not be permitted in any planned residential developments or multi-family developments.

(g) Permitted Signs - Commercial and Industrial Districts. The following signs are permitted in the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI/O (Light Industrial/Office) zoning districts and no other.

(1) Business or industrial wall or freestanding signs on the same lot as the use to which it relates, in accordance with the following standards and specifications:

(i) The total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building front facade length, however, not to exceed one hundred sixty (160) square feet for any one (1) use.

(ii) All freestanding signs shall be of the monument type as depicted in Diagram 1204 set forth in Section 1204 of this Chapter and shall not exceed fifteen feet (15') in height. The monument style sign(s) shall be included in the total sign square footage permitted herein.

(iii) No more than two (2) freestanding signs shall be permitted per lot.

(iv) Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the HC (Highway Commercial) and SCC (Shopping Center Commercial) zoning districts. Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the portions of the LI/O (Light Industrial/Office) zoning district which immediately adjoin United States Route 422 (either East or West bound) and for an area of one hundred fifty feet (150') from the edge of the cartway of said road. Such Electronic Message Display Signs shall be no larger than fifty (50) square feet or twenty-five percent (25%) of the total allowable signage for a property pursuant to Subsection 926(g)(1) hereof, whichever is less. Such Electronic Message Display Signs shall also conform to the standards and specifications as set forth in Subsection 926(h)(6).

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

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

(i) All off-site advertising signs shall have a maximum display area of two hundred (200) square feet per sign face with a maximum width of twenty-five feet (25'), inclusive

of any border, and shall have no more than one (1) in each direction.

(ii) 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 feet (15') apart.

(iii) 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.

(iv) 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.

(v) No off-site advertising sign shall be erected within one thousand feet (1,000') in any direction of any other advertising sign.

(vi) No off-site advertising sign shall be erected closer than twenty feet (20') to the cartway or as specified by the Pennsylvania Department of Transportation.

(vii) 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.

(viii) The general area in the vicinity of all off-site advertising signs shall be kept free and clear of sign material and debris and adhere to any and all Township ordinances, including the Weed Control Ordinance now in effect or as hereinafter amended.

(ix) All newly erected off-site advertising signs shall conform to all applicable federal, state and local laws, rules and regulations.

(x) 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.

(xi) No off-site advertising signs shall be erected within one hundred fifty feet (150') 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 impede the unobstructed vision of a motor vehicle operator attempting to enter on or exit from any intersection with a public or private roadway, any driveway or any parking facility adjacent to U.S. Route 422.

(xii) 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, 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 feet (150') 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.

(xiii) Permit applications shall be reviewed by the Zoning Officer and the Township Engineer for compliance with this Chapter 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 Chapter 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.

(xiv) 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).

(xv) Electronic Message Display Signs as off-site advertising signs shall be in accordance with the standards and specifications as set forth in Section 926(g)(3) and Subsection 926(h)(6).

(h) Supplementary Sign Regulations. The following supplementary sign regulations shall apply to all zoning districts in the Township:

(1) Projection. No sign shall project more than twelve inches (12") 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.

(2) 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.

(3) Illumination. Signs, other than Electronic Message Display Signs, may be lighted with nonglaring lights; 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.

(4) 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 feet (5') of any side lot line.

(5) 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.

(6) Electronic Message Display Signs. The following standards and specifications shall apply to Electronic Message Display Signs:

(i) PennDOT Regulations. 36 P.S. Section 2718.101 et seq., 67 Pa. Code, Chapter 445 and PennDOT Strike-off letter 430-02.16, dated April 24, 2002.

(ii) Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing or varying of light intensity.

(iii) Minimum Display Time. Each message on the sign must be displayed for a minimum of five (5) seconds.

(iv) Message Change Sequence. A maximum of three-tenths of one second (0.3 seconds) of time with no message displayed shall be provided between each message displayed on the sign and there shall be no scrolling, traveling, frame effects, flashing, fading or dissolving of the image as herein defined.

(Ordinance 130, December 9, 1991, Section 927; as amended by Ordinance 164, April 26, 1999, Sections 25-30; as further amended by Ordinance 176, December 11, 2000, Section 1; as further amended by Ordinance 225, May 16, 2006, Section 1; as further amended by Ordinance 237, June 5, 2007, Section 1)

Section 928. Hazardous Areas.

(a) Purpose and Application.

(1) The Township Planning Commission and/or the Board of Supervisors may identify areas of the Township such as, but not limited to: mine holes; quarries; sinkholes; waterways; areas of naturally occurring physical features; areas of naturally occurring minerals or chemicals; areas containing hazardous, contaminated or toxic waste; waste disposal areas; and/or waste storage areas which are considered hazardous or contaminated. These areas 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.

(2) 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.

(b) Standards.

(1) No occupied building or well shall be located within five hundred feet (500') of an identified hazardous area, except as noted in Subsection (2) below.

(2) 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.

(Ordinance 130, December 9, 1991, Section 928)

Section 929. Public Utility Standards. The restrictions of this Chapter 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. (Ordinance 130, December 9, 1991, Section 929)

Section 930. Commercial Campground Standards. Commercial campgrounds are permitted by special exception in the RC (Rural Conservation) and LDR (Low Density Residential) zoning districts, and by conditional use in the HC (Highway Commercial) zoning district. 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 (1) copy shall be retained for use by the Zoning Hearing Board and a copy shall be forwarded by the Zoning Hearing Board to the Planning Commission and to the Township Engineer for review and comment prior to the hearing on the special exception use.

(c) Permanent structures in the area shall be limited to one (1) residence and one (1) 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 feet (200') from any property line and the nearest public road right-of-way line.

(d) Fifty feet (50') wide buffer yard shall be provided adjacent to all property lines and public road right-of-way lines. The buffer yard shall contain a "high intensity buffer screen" as defined in Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances and shall contain suitable plantings of vegetation which create an effective screen. In addition, the buffer yard shall meet all pertinent standards specified under Subsection 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled

"Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(e) No campsite shall be located closer than one hundred feet (100') from any adjoining property line or public road right-of-way line.

(f) No less than ten percent (10%) 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 feet (10') 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 (1) one unit, be it tent, trailer or camper.

(k) No permanent structures shall be permitted on any campsite lot other than fireplaces.

(l) Occupancy at a campsite shall only be permitted between the months of February through November. All camping units unoccupied for a period of seventy-two (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 "high intensity buffer screen" from view of abutting properties and public roads in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. The buffer yard shall meet all pertinent standards specified under Subsection 517, generally, and Subsection (g)(3)(viii), specifically, of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(n) No part of any campground area shall be used for non-residential purposes, except those purposes required for serving the well-being of the campground customers and for the management and maintenance of the campground.

(o) The development plans, proposed and submitted in accordance with the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances), 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.

(Ordinance 130, December 9, 1991, Section 930; as amended by Ordinance 229, December 19, 2006, Sections 18 & 19)

Section 931. 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 by the Zoning Hearing Board, 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 feet (35').
- (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 percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5). The common open space shall be planned as a contiguous area located and designed for the maximum benefit of 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 Board of 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 one hundred fifty feet (150').
- (h) The number of townhouses, or other units in combination with townhouses, shall not exceed eight (8) contiguous residential dwelling units.
- (i) No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.
- (j) The horizontal distance between groups of multi-family structures shall be a minimum of sixty feet (60') between the closest structural points.
- (k) No townhouse shall be located within thirty feet (30') of any street right-of-way line.
- (l) The minimum width of a townhouse shall be twenty feet (20').
- (m) No apartment building shall be located within fifty feet (50') of any street right-of-way line.
- (n) No more than twenty percent (20%) of the total area of the development shall be covered by buildings.

(o) No more than thirty percent (30%) 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 (3) 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 in which emergency and commercial vehicles can safely maneuver.

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

(s) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') 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 (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Subsection 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

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

(Ordinance 130, December 9, 1991, Section 931; as amended by Ordinance 164, April 26, 1999, Section 31; as further amended by Ordinance 229, December 19, 2006, Section 20)

Section 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.

<u>Minimum Regulations</u>	<u>On-Lot Sewage & Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage & Water Facilities</u>
Lot Area*	2 acres	30,000 sq. ft.	6,000 sq. ft.
Lot Width*	150 feet	100 feet	50 feet
Building Setback*	40 feet	40 feet	40 feet
Rear Yard*	30 feet	30 feet	20 feet
Side Yard*	30 feet	20 feet	20 feet
Buffer Yard* (depth)	10 feet	10 feet	10 feet

Maximum
Regulations

Building Height*	35 feet	35 feet	35 feet
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.

(Ordinance 130, December 9, 1991, Section 932; as amended by Ordinance 164, April 26, 1999, Section 32; as further amended by Ordinance 229, December 19, 2006, Section 21)

Section 933. Two-Family Detached Dwelling Developments. Two (2)-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 (2)-family detached developments shall comply with the minimum and maximum dimensional requirements specified below.

<u>Minimum Regulations</u>	<u>On-Lot Sewage & Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage & Water Facilities</u>
Lot Area	2 acres	60,000 sq. ft.	20,000 sq. ft.
Lot Width	200 feet	170 feet	100 feet
Building Setback	50 feet	50 feet	40 feet
Rear Yard	40 feet	40 feet	30 feet
Side Yard			
Total	60 feet	60 feet	40 feet
Each Side	30 feet	30 feet	20 feet
Buffer Yard (depth)	10 feet	10 feet	10 feet

Maximum
Regulations

Building Height	35 feet	35 feet	35 feet
Lot Coverage	20 percent	20 percent	30 percent
Woodland Extr.	30 percent	30 percent	40 percent

(b) In addition to these standards and specifications, all proposed two (2)-family detached developments shall be designed and constructed in accordance with all pertinent Township ordinances.

(Ordinance 130, December 9, 1991, Section 933; as amended by Ordinance 229, December 19, 2006, Section 22)

Section 934. Tourist, Bed and Breakfast, Rooming or Boarding Houses. 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:

(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.

(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.

(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.

(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 the Township and/or the Commonwealth of Pennsylvania.

(Ordinance 130, December 9, 1991, Section 934)

Section 935. Junkyard Standards. Junkyards are permitted by special exception in the LI/O (Light Industrial/Office) zoning district. If a special exception is granted by the Zoning Hearing Board, the following conditions shall apply:

(a) All junk yards shall be enclosed with a fence a minimum of six feet (6') in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.

(b) A fifty feet (50') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas used for the storage of junk material. The buffer screen shall sufficiently screen all stored junk material and fencing from the view of adjacent property owners and from the road. 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(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 be piled to a height of more than six feet (6') 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 one thousand (1,000) gallons, and shall be stored above ground in a manner approved by the Pennsylvania Department of Environmental Protection (PA DEP), Underwriter Laboratories and/or the State Fire Marshall. No garbage or organic waste shall be permitted to be stored on any junk yard.

(Ordinance 130, December 9, 1991, Section 935; as amended by Ordinance 229, December 19, 2006, Section 23)

Section 936. Solid Waste Disposal Facilities. Solid waste disposal facilities, including landfills and resource recovery facilities, are permitted by special exception in the LI/O (Light Industrial/Office) zoning district. If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed under Subsection 936(a) (Solid Waste Landfills and Low Level Radioactive Waste Facilities) and under Subsection 936(b) (Resource Recovery Facilities).

(a) Solid Waste Landfills and Low Level Radioactive Waste Facilities. For the purposes of this Chapter, the following terms shall be defined as follows:

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

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

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

(1) The solid waste landfill and/or low level radioactive waste facility shall be owned and operated solely by the Township or a municipal authority by and on behalf of the Township.

(2) The minimum lot area shall be fifty (50) acres.

(3) The construction and operation of a solid waste landfill and/or low level radioactive waste facility shall not be permitted unless a permit for such solid waste landfill and/or low level radioactive waste facility has been issued by the Pennsylvania Department of Environmental Protection and the solid waste landfill and/or low level radioactive waste facility 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 Protection. Operation of any solid waste landfill and/or low level radioactive waste facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Department of Environmental Protection, the regulations of the Department of Environmental Protection and the provisions of this Chapter. In the event that any of the provisions of this Chapter 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 and/or low level radioactive waste facility.

(4) A solid waste landfill and/or low level radioactive waste facility operation shall be under the direction at all times of a responsible individual who is qualified by experience or

training to operate a solid waste landfill and/or low level radioactive waste facility.

(5) Burning of solid waste is prohibited at a solid waste landfill and/or low level radioactive waste facility. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Township.

(6) Gaseous and particulate emission from the solid waste landfill and/or low level radioactive waste facility site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

(7) 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 solid waste landfill and/or low level radioactive waste 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.

(8) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the solid waste landfill and/or low level radioactive waste 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.

(9) An equipment cleaning area shall be provided on-site. All equipment used to grade and compact waste at the solid waste landfill and/or low level radioactive waste 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.

(10) 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 and/or low level radioactive waste 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 feet (6') high and shall be kept in good repair and neatly painted in a uniform color.

(11) 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 any entrance and/or access road of the solid waste landfill and/or low level radioactive waste facility prior to 6:30 a.m. Overnight parking shall be prohibited.

(12) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the solid waste landfill and/or low level radioactive waste facility shall be inspected for debris on a daily basis.

(13) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be

disposed of in a solid waste landfill and/or low level radioactive waste facility.

(14) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill and/or low level radioactive waste facility.

(15) 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.

(16) 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.

(17) Operation of any solid waste landfill and/or low level radioactive waste facility shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.

(18) An operation permit shall be obtained on an annual basis on or before June 1st.

(19) A final inspection of the entire site shall be made by the Department of Environmental Protection 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 and/or low level radioactive waste facility 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 and/or low level radioactive waste facility. A bond shall be posted to ensure that all corrective work is completed.

(20) The initial application for a solid waste landfill and/or low level radioactive waste facility shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Board of Supervisors at the time of securing a permit for a solid waste landfill and/or low level radioactive waste facility operated by the municipal authority. The plan shall be in compliance with the prevailing zoning at the time of application.

(21) Maximum active dumping area shall be three (3) acres. Continued operation of the solid waste landfill and/or low level radioactive waste facility shall be subject to compliance with all state and Township regulations pertaining to solid waste landfill and/or low level radioactive waste facility.

(22) No operation, activity use, or occupation of any type shall be carried on within one hundred feet (100') of any property line of the solid waste landfill and/or low level radioactive waste facility or within one hundred feet (100') of any street right-of-way. In addition, a solid waste landfill and/or low level radioactive waste facility shall not be located within three hundred feet (300') of any residential zoning district or occupied residential dwelling unit.

(23) The storage of fuel to be used on the solid waste landfill and/or low level radioactive waste facility site shall be in accordance with all applicable federal, state and Township regulations.

(24) A chain link fence with a minimum height of fifteen feet (15') shall be erected along all boundary lines of the area which is approved for operational use as a solid waste landfill and/or low level radioactive waste facility by the Pennsylvania Department of Environmental Protection. 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.

(25) A one hundred fifty feet (150') wide area with "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas approved for operational use as a solid waste landfill and/or low level radioactive waste facility by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the solid waste landfill and/or low level radioactive waste facility, except at the entrances. The selected evergreens (Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows throughout the buffer yard. 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. A landscaping plan shall be submitted to the governing body for review and approval.

(26) The solid waste landfill and/or low level radioactive waste 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.

(b) Resource Recovery Facilities. For the purposes of this Chapter, the following terms shall be defined as follows:

Resource Recovery Facility. A facility or land that is used for any one (1) 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 a municipal authority by and on behalf of the Township.

Composting Facility. A facility for the composting of the organic matter in municipal solid waste.

Incinerator. A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Refuse Derived Fuel (RDF) Facility. The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

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:

(1) The resource recovery facility shall be owned and operated solely by the Township or a municipal authority by and on behalf of the Township.

(2) The minimum lot size shall be ten (10) acres.

(3) Parking areas shall be a minimum of one hundred feet (100') from any property line.

(4) Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Department of Environmental Protection (PA DEP) and the provisions of this Chapter. In the event that any of the provisions of this Chapter are less restrictive than any present or future rules or regulations of PA DEP, the more restrictive PA DEP regulations shall supersede and control.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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 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 feet (6') high and shall be kept in good repair and neatly painted in a uniform color.

(10) 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 any entrance and/or access road of the resource recovery facility prior to 6:30 a.m. Overnight parking shall be prohibited.

(11) 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.

(12) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be disposed of at the resource recovery facility.

(13) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited at the resource recovery facility.

(14) 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.

(15) No municipal solid waste shall be stored at a resource recovery facility for more than seventy-two (72) hours.

(16) A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.

(17) 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 feet (200') 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 DEP or in another manner approved by PA DEP.

(18) Solid waste landfill operations and open burning of any materials are not permitted under this use.

(19) 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 Chapter shall be met.

(20) An operational permit shall be renewed on an annual basis on or before June 1st.

(21) No operation, activity, use or occupation of any type shall be carried on within two hundred feet (200') of any property line of the resource recovery facility or within two hundred feet (200') of any street right-of-way. In addition, a resource recovery facility shall not be located within three hundred feet (300') of any residential zoning district or occupied residential dwelling unit.

(22) 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.

(23) 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.

(24) A chain link fence with a minimum height of fifteen feet (15') 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 Protection. 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.

(25) A one hundred fifty feet (150') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Protection. 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows throughout the buffer yard. 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. A landscaping plan shall be submitted to the governing body for review and approval.

(26) 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.

(Ordinance 130, December 9, 1991, Section 936; as amended by Ordinance 164, April 26, 1999, Sections 33-35; as further amended by Ordinance 229, December 19, 2006, Sections 24-25)

Section 937. Adult Business Uses. Adult business uses are permitted as a 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 one thousand feet (1,000') 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 two hundred feet (200') (measured from the property line) of any residential zoning district.

(c) No adult business use shall be located within five hundred feet (500') (measured from the property line) of any churches, monasteries, chapels, convents, rectories, public playgrounds, public parks, public swimming pools or public libraries.

(d) No adult business use shall be located within one thousand feet (1,000') (measured from the property line) of any schools up to or including the twelfth (12th) 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:

(1) The adult business use intended.

(2) The location and elevation of all buildings, structures, walls, fences and landscaping on the site.

(3) Off-street parking areas and traffic circulation patterns.

(4) 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:

- (1) Complete name;
- (2) Residential address;
- (3) 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 Chapter, the Board of Supervisors shall be notified of such proposed change of ownership. Such notification shall include the documentation required in Subsection (h) of this Section. Failure to notify the Board of Supervisors shall constitute grounds for the termination or revocation of the conditional use permit.

(j) In addition to other applicable regulations of the Township and state laws, the following shall apply to all adult business use signs and other visible messages:

(1) Sign messages shall be limited to written descriptions of material or services available on the premises.

(2) Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.

(3) 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.

(4) Adult business uses shall be limited to two (2) square feet in sign area, with lettering on said signs not exceeding four inches (4") in height.

(5) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

(Ordinance 130, December 9, 1991, Section 937)

Section 938. Shopping Centers. Shopping centers are permitted 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 or a designated individual whose office and residence is located within a reasonable distance of the Township as determined appropriate by the Board of Supervisors. The owner shall

provide the Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, address and telephone number of each on-site manager or each designated individual.

(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 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 will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(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 screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish 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. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed shopping centers shall conform to the area, yard and height regulations that are specified under Subsection 406(d) of this Chapter.

(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 (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 938; as amended by Ordinance 229, December 19, 2006, Section 26)

Section 939. Professional Office/Research Park. Professional office/research parks are permitted by right in the HC (Highway Commercial), LI/O (Light Industrial/Office) and SCC (Shopping Center Commercial) zoning districts. 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 five percent (5%) of the gross floor area of the office/research park.

(d) 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 (Penn DOT) or the Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(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 screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish 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. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed office/research parks shall conform to the individual area, yard and height regulations that are specified under Subsection 407(e) of this Chapter.

(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 (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 939; as amended by Ordinance 229, December 19, 2006, Section 27)

Section 940. Industrial Parks. Industrial parks are permitted by right in the LI/O (Light Industrial/Office) 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 five percent (5%) of the gross floor area of the industrial park.

(d) 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 will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(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 screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish 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. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed industrial parks shall conform to the individual area, yard and height regulations that are specified under Subsection 407(e) of this Chapter.

(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 (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 940; as amended by Ordinance 229, December 19, 2006, Section 28)

Section 941. Quarrying and Mining Operations. Quarrying and mining operations are permitted by special exception in the LI/O (Light Industrial/Office) zoning 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 feet (200') of any property line, within two hundred feet (200') of any street right-of-way, within three hundred feet (300') of any residential zoning district, and/or within three hundred feet (300') 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 against indiscriminate and unauthorized activities, the 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 feet (6') 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 any 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 feet (15') 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 feet (100').

(i) A one hundred fifty feet (150') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(vii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows throughout the buffer yard. 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 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. 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 p.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.

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

(l) 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 the 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.

(m) 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.

(n) 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, 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.

(o) 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.

(p) 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 (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 941; as amended by Ordinance 229, December 19, 2006, Section 29)

Section 942. Repealed.

Section 943. Solar Energy Systems.

(a) General Standards.

(1) The use of solar energy systems, including solar collectors, storage facilities and distribution components, for space heating and cooling and for hot water heating is a permitted use in all zoning districts.

(2) 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.

(3) 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.

(4) Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six feet (6') into required yard setbacks provided that they are not located within six feet (6') of any property line.

(5) Detached solar collectors used solely for such purposes shall be considered permissible accessory structures in all zoning districts.

(b) Solar Access.

(1) 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.

(2) The solar collector shall be used as part of the functioning solar energy system.

(3) 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 collector's access to solar energy between the hours of 9:00 a.m. and 3:00 p.m.

(Ordinance 130, December 9, 1991, Section 943)

Section 944. Filling, Excavating and Grading.

(a) All activities which require the moving of earth or the filling or excavating of an area shall submit a plan to the Township showing site grading and erosion control measures.

(b) The existing grade of an area shall not be increased so that unstable slopes are created.

(c) The surface area of any yard adjacent to a building or structure shall be graded so that the surface water will be drained away from such structure.

(d) Topsoil shall not be stripped from any site within the Township unless it is directly affiliated with the subdivision and/or development of land. Unless permitted by the Board of Supervisors, topsoil shall not be removed from any site within the Township.

(e) The on-site burial of trees, stumps or construction materials is prohibited. Trees and stumps may be chipped and spread on the site.

(Ordinance 130, December 9, 1991, Section 944)

Section 945. Regulations for Cellular Communications Antennae. In recognition of the quasi-public nature of cellular communications systems, the following regulations shall apply:

(a) Purpose.

(1) To accommodate the need for cellular communications antennae while regulating their location and number in the Township.

(2) To minimize adverse visual effects of cellular communications antennae and antenna support structures through proper design, sighting and vegetative screening.

(3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering and proper sighting of antenna support structures.

(4) To encourage the joint use of existing and any new antenna support structures, to reduce the number of such structures needed in the future.

(b) Use Regulations.

(1) A cell site with antenna that is attached to an existing communications tower, smokestack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen feet (15'). If the antenna is to be mounted on an existing structure, a full Site Plan shall not be required.

(2) A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen feet (15') higher than the structure on which it is mounted, is permitted by special exception in all zoning districts.

(3) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted as an accessory structure in the zoning district in which the cell site is located.

(4) Antenna may be mounted to an existing public utility transmission tower as a use by right provided that the standards for approval of all cellular communication antenna as set forth in Subsection 945(d) herein are adhered to in all respects.

(c) Standards for Approval of Special Exception.

(1) The cellular communications company and/or applicant is required to demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy its function in the company's and/or applicant's grid system.

(2) If the cellular communications company and/or applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of the tall structures within a one-quarter (1/4) mile radius from the proposed site, requested permission to install the antenna on those structures, and was denied for reasons other than economic reasons. Tall structures include, but are not limited to, smokestacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The Zoning Officer may deny the applications to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

(d) Standards For Approval of All Cellular Communication Antennae.

(1) Antenna Height. For a cell site with antennae that is not mounted on an existing structure, the maximum height shall be one hundred fifty feet (150') feet. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily and shall reduce the height of the antenna or support structure as technology permits. No antenna that is taller than the minimum height shall be approved.

(2) Setbacks From Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure, or any guy wire anchors and any property line shall be the largest of the following:

- (i) One hundred percent (100%) of antenna height;
- (ii) The minimum setback of the underlying Zoning District; or
- (iii) Forty feet (40').

(3) Antenna Support Structure Safety.

(i) The applicant shall demonstrate that the proposed antenna and support structure are safe, and the surrounding areas will not be affected negatively by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. The applicant shall submit a copy of a Certificate of Insurance evidencing general liability coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence covering the proposed communications tower and communications antennas. Said insurance coverage shall be maintained during the useful life of the subject antennae and/or support structure. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(ii) All antenna, antenna support structures, cross bars, lattice towers, monopoles, repeaters and communication towers generally must meet the American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association steel tower specifications requirements.

Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Township. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements and certify proper construction of the foundation and erection of the tower, including the ability to carry multiple antenna.

(iii) There shall be no inhabited structures or overhead electrical transmission lines within a two hundred feet (200') foot radius of the tower, unless such tower is mounted on a pre-existing utility transmission pole.

(iv) All communication tower owners shall provide the Township with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all Federal Communications Commission regulations, including electromagnetic radiation limitations.

(v) If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.

(vi) The owner of any communication tower shall be required to routinely submit to the Township, proof of an annual inspection and tower maintenance program. Any

structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

(vii) No communications tower shall be allowed within one and one-half (1-1/2) miles of another tower unless it is demonstrated that no existing structure or communications tower is suitable, structurally or electronically, or that a commercially reasonable agreement could not be reached with the owner(s) of such existing structure.

(viii) If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell site should be established.

(ix) In addition to the above, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for review and approval for any development application for a communication tower.

(4) Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be between six feet (6') and eight feet (8') in height, shall not contain openings greater than nine (9) square inches, shall contain gates which are kept locked at all unoccupied times and shall otherwise comply with the height regulations set forth in the Amity Township Zoning Ordinance.

(5) Landscaping. Landscaping shall be required to screen as much of the support structure as possible. Screening should be planted near the fence surrounding the support structure, and any other ground level features (such as a building) and, in general, to soften the appearance of the cell site. The landscape screening shall comply with the regulations set forth in Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances this Chapter. This screening shall be a "site element screen" as set forth in Subsection (h) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(6) In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular communication companies, and the local police, fire and ambulance companies.

(7) The cellular communication company and/or other applicant must demonstrate that it is licensed by the Federal Communications Commission and that it is in compliance with any requirements of the Federal Aviation Administration.

(8) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the

site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.

(9) Access. Access shall be provided to the antennae, support structure and/or accessory structure by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length.

(10) Signage and Lighting. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(11) Antenna support structures under one hundred fifty feet (150') in height shall be painted silver or shall have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees, and must, to the greatest extent possible, be consistent with the surrounding landscape.

(12) A full Site Plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access and all other items required by the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). The Site Plan shall not be required if the antenna is to be mounted onto an existing structure.

(13) If a communications tower remains unused for a period of twelve (12) consecutive months, the owner(s) of the land, the operator and/or the lessee shall dismantle and remove the communications tower within six (6) months of the expiration of said twelve (12) month period.

(Ordinance 160, April 27, 1998, Section 2; as amended by Ordinance 166, October 11, 1999, Sections 1-3; as further amended by Ordinance 229, December 19, 2006, Section 30)

Section 946. Blasting and Detonation Requirements.

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

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

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

(d) All blasting and/or detonation operations shall be conducted by a licensed contractor. A copy of the license and certificate of

insurance shall be provided to the Township at least twenty-four (24) hours prior to the commencement of blasting.

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

(Ordinance 164, April 26, 1999, Section 36)

Section 947. Kennels.

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

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

(c) No animal shelter shall be located within two hundred feet (200'), as measured from any property line.

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

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

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

(Ordinance 164, April 26, 1999, Section 36)

Section 948. Woodland Extraction.

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

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

(c) Trees of twenty-four inches (24") and greater diameter breast height (DBH) shall not be removed unless the Applicant can demonstrate that there is no practical alternative. Exceptions can be granted for undesirable invasive species of for trees in poor health.

(d) Replacement tree plantings shall be provided for any tree of six inches (6") or greater DBH that is removed. For each tree of six inches (6") to twelve inches (12") DBH removed, one (1) two and one-half inch (2-1/2") caliper replacement tree must be provided. For each tree of twelve inches (12") to twenty-four inches (24") DBH removed, two (2) two and one-half inch (2-1/2") caliper replacement trees must be provided. For each tree of twenty-four inches (24") or greater DBH removed, five (5)

two and one-half inch (2-1/2") caliper replacement trees must be provided. If the required replacement trees cannot fit on site, the Township may require a fee-in-lieu to be used for conservation purpose on Township owned land.

(e) For each tree to be preserved, a tree protection zone shall extend a distance from the tree trunk equal to twelve (12) times the trunk diameter. Thus, a twenty inch (20") DBH tree would have a circular tree protection zone twenty feet (20') in radius. Within the tree protection zone, no disturbance, material stockpiling, foot or vehicle traffic shall be permitted. Prior to the start of construction, the tree protection zone shall be delineated around the trees to be preserved with orange construction fencing or other fencing deemed suitable by the Township.

(Ordinance 164, April 26, 1999, Section 36; as amended by Ordinance 192, September 16, 2002, Section 15)

Section 949. Other Dwelling Types or Land Uses. Other dwelling types or uses, not specifically or adequately identified within this Chapter, may evolve after the enactment of this Ordinance or were not uses commonly in use at the time of the enactment of this Ordinance. From time to time, however, such dwelling types or land uses may become reasonable or appropriate. It is the purpose of this Chapter to provide for all reasonable and appropriate uses and it is the purpose of this Section to establish a mechanism for inclusion of such additional dwelling types or uses within the Township. Therefore, the following provisions shall apply:

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

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

(c) All proposed dwelling types and uses which are not accounted for in this Chapter shall be considered by the Board of Supervisors and the Township Planning Commission as an application for a conditional use as set forth under Part 11 of this Chapter.

(d) It is the intent of this Chapter that reasonable and appropriate dwelling types or uses be permitted in the zoning district in which it is most suited. The purpose and intent of each zoning district is described within the Township Comprehensive Plan Update, the Township Act 537 Plan Update and this Chapter. All proposed dwelling types or uses shall be consistent with these documents.

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

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

(Ordinance 164, April 26, 1999, Section 36)

Section 950. Exportation and/or Extraction of Groundwater. The commercial exportation and/or extraction of groundwater in the Township shall only be permitted by conditional use in the Highway Commercial (HC) zoning district. If a conditional use is granted by the Township Board of Supervisors, the following conditions shall apply:

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

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

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

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

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

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

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

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

(i) A land development plan shall be submitted to the Township which demonstrates compliance with all provisions specified under this Section and all other pertinent regulations adopted by the Township.

(Ordinance 164, April 26, 1999, Section 36)

Section 951. Self-storage Units.

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

(b) Self-storage units are a permitted use by right within the Highway Commercial (HC) zoning district, subject to the following requirements:

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

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

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

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

(5) A buffer yard shall be established within the required front, side and rear yards of the lot in which the self-storage units are proposed. Unless otherwise directed by the Planning Commission, the minimum depth of the required buffer yard shall be twenty-five feet (25'). The buffer yard shall be consistent with the standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(6) A landscaping plan shall be prepared and submitted to the Township for review. The contents of the proposed landscaping plan shall be subject to the approval of the Planning Commission.

(7) A complete land development plan shall be prepared and submitted to the Township for review. The proposed land development plan shall be subject to the approval of the Township.

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

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

(10) The entrance and all vehicular access aisles shall be a minimum of twenty-four feet (24') in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall

be paved from the cartway of the public road to a point twenty-five feet (25') within the automated access gate.

(11) All exterior lighting and signs for the self-storage operation shall conform with all applicable sections of this Chapter.

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

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

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

(15) All uses shall be in conformity with all provisions of this Chapter, including but not limited to Section 911, and the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). No use of the storage units shall in any way violate Township ordinances, Pennsylvania laws, statutes, regulations or administrative rules or any Federal laws, statutes, regulations or administrative rules of any nature or type.

(Ordinance 164, April 26, 1999, Section 36; as amended by Ordinance 229, December 19, 2006, Section 31)

Section 952. Transitional-Age Development Community.

(a) The purpose of this Section of this Chapter is to provide standards for transitional-age developments, containing single-family detached residences, semi-detached residences, townhouses, condominiums and their accessory uses. The objectives of these provisions are outlined as follows:

(1) To provide a unique approach for housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.

(2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.

(3) To efficiently utilize undeveloped land area within Amity Township, while providing unique housing opportunities for families as well as persons over fifty-five (55) years of age.

(4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.

(b) Transitional-age communities containing residential lots or units, as permitted under this section and further defined under

Section 202 of this Chapter, are permitted by conditional use within the MDR-Medium Density Residential Zoning District.

(c) All transitional-age communities shall be designed in accordance with the following general design and eligibility requirements:

(1) The minimum amount of land in the development shall be one hundred (100) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

(2) All of the uses contained within the transitional-age development shall be served by public sanitary sewage disposal facilities and public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient sewer and water capacities to service the development.

(3) A minimum of fifty percent (50%) of the gross area of the transitional-age community shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this Section of this Chapter and none other.

(i) No more than fifty percent (50%) of the required common open space shall be located on lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(ii) The common open space shall not include areas that have been devoted to roads but may include utility easements.

(iii) No more than fifteen percent (15%) of the required common open space shall include areas devoted to stormwater management facilities.

(iv) Significant natural features shall be incorporated into the overall schematic of the design of the common open space whenever possible.

(v) While no standards shall exist as to the size and boundaries of the common open space areas, care should be taken to design common open space in a manner that the open space areas shall be meaningful and available to the residents of the transitional-age development.

(vi) A community Center, if built for either part of the development shall be counted as common open space.

(vii) For all common open space, satisfactory written agreement approved by the Township Solicitor shall be consummated for the perpetual preservation of the common open space.

a) The developer of the transitional-age development shall have made 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 transitional-age development shall insure the ownership, management and maintenance of the common open space by either dedicating the land to a homeowners' association or dedicating the land to the Township which shall have the option to accept or refuse the land offer for dedication. If the common open space is dedicated to a homeowners' association, the developer shall file with the Township and the Recorder of Deeds of Berks County a declaration which will govern the association. The open space shall be deed restricted against further development.

(4) Subject to the provisions of Subsection (c)(5) of this Section below, the maximum permitted residential density for transitional-age development shall be three (3) dwelling units per acre. The area to be utilized and calculated for development density shall not include lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(5) A density bonus of one-quarter (0.25) dwelling units per acre may be added to the residential density requirement set forth in Subsection (c)(4) of this Section above for each design objective as contained in Subsection (c)(6) of this Section achieved as part of the conditional use application and land development/subdivision approval process. The maximum permitted density bonus shall not exceed two and three-quarters (2.75) dwelling units per acre. As part of the conditional use application and/or land development/subdivision approval process, the Supervisors shall consider and may grant a density bonus of one-quarter (0.25) dwelling units per acre for attainment of each of the following design standards and objectives contained in Subsection (c)(6) of this Section.

(6) The developer shall be entitled to a density bonus of one-quarter (0.25) dwelling units per acre for each full ten percent (10%) of additional age restricted housing that is provided above the base of fifty percent (50%) provided that the developer also simultaneously selects one of the following five features which must be coupled with the additional ten percent (10%) age restriction. This process may be repeated to achieve a maximum permitted density of no more than five and three-quarters (5.75) dwelling units per acre.

(i) The application provides for preservation of buildings and/or structures located on the site which in the opinion of the Township are historic or have historical or architectural significance - one-quarter (0.25) dwelling unit per acre density bonus. A maximum of ten (10) acres associated with the historic or architectural significance site shall be considered in open space calculations for the development upon either a deed restriction on the sites development rights or a transfer of the sites' development

rights to the Berks County Conservancy or equivalent organization.

(ii) The application provides for passive recreation, educational, agricultural or ecological opportunities that are considered schematically planned or integrated with other passive recreation areas - one-quarter (0.25) dwelling unit per acre density bonus.

(iii) The application provides for a community center of at least two thousand five hundred (2,500) square feet constructed by the developer upon the development for use only by the residents of the age-restricted portion of the development - one-quarter (0.25) dwelling unit per acre density bonus.

(iv) The application provides for unique or enhanced architectural values including utilizing natural products for the building face (brick, stone or masonry products) and rooflines (masonry, gable or hip roof designs) on the entire community - one-half (0.50) dwelling unit per acre density bonus.

(v) In the sole discretion of the Board of Supervisors, if the application provides for other features to the development that significantly contribute to the enhancement of the development - one-quarter (0.25) dwelling unit per acre density bonus.

(d) Each of the following maximum and minimum dimensional requirements shall apply to single-family detached residences and townhouses within a transitional-age development. In the case of a condominium form of ownership where there are no individual lots, the standards shall be applied to the overall lot.

<u>Minimum Regulations</u>	<u>Single Family Detached</u>	<u>Single Family Semi-detached</u>	<u>Townhouses</u>
Lot Area	7,500 square feet	5,000 square feet	2,000 square feet
Lot Width	50 feet	50 feet	20 feet
Building Setback from Curb	20 feet	20 feet	20 feet
Rear Yard	20 feet	20 feet	25 feet
Side Yard (each)	7.5 feet	7.5 feet	30 feet
			(building to building)
<u>Maximum Regulations</u>	<u>Single Family Detached</u>	<u>Single Family Semi-detached</u>	<u>Townhouses</u>
Building Height	35 feet	35 feet	35 feet
Lot coverage	50 percent	50 percent	75 percent

If a zero lot line development is proposed, the area around each building shall be counted toward the common open space.

(e) Each application for a transitional-age development shall provide the following:

(1) A fifty feet (50') buffer set back along the perimeter of the parent tract; and

(2) A collector road which does not provide direct access to any unit in the development.

(f) Signage for a transitional-age development shall be of an announcement and directional nature and shall be approved by the Supervisors as part of the conditional use application.

(g) The provisions of Section 951 for transitional-age development relating to design and eligibility shall control and take precedence over any other section of this Chapter dealing with similar subject matter.

(Ordinance 239, August 21, 2007, Section 5)

Section 953. Commercial Retirement Community.

(a) Purpose. It is hereby declared to be the intent of this Section to establish reasonable standards and criteria to permit Commercial Retirement Community developments in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development. The township hereby recognizes:

(1) The housing, service and amenity needs for residents as they get older and life-style changes that encourage aging in place.

(2) The need to provide for such developments consistent with the Township's planning goals.

(3) The need to recognize that the reduced impact on Traffic, Township Services and School Districts associated with Commercial Retirement Communities can justify different development standards as compared to typical residential development.

(4) The need to encourage flexible site design which respects the needs of our aging population and the Township's natural features.

(5) The need to encourage the creation of individual neighborhoods.

(b) Commercial Retirement Community Qualifications.

(1) Single ownership responsible for the financial health, maintenance, service and operation of the community. This includes all land, buildings, infrastructure and public or community utilities contained within the tract of land.

(2) The minimum amount of land area in the development shall be twenty (20) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that area owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

(3) Operated under a Resident Agreement or similar document without deeded resident ownership.

(4) Age restricted to one hundred percent (100%) age fifty five (55) or older with the exception of a Certified Care Giver to a qualified resident or handicapped dependent. This over 55 years of age qualification shall be recorded as a deed restriction on all parcels to be developed.

(5) Creative design of buildings and infrastructure to support handicapped adaptability and access. There shall be no modular homes or trailers permitted in a Commercial Retirement Community.

(6) Required accessory uses include a Community Center, swimming pool and walking system throughout the community.

(c) Use Regulations. A building or group of buildings may be erected and occupied for any of the following purposes and no other:

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling.

(3) Townhouse structures.

(4) Residential Units or group of Residential Units designed as a single architectural unit.

(5) Accessory uses on the same lot/tract which are customarily incidental to any of the above permitted uses, provided that the total floor area does not exceed an area equivalent to twenty-five percent (25%) of the total ground floor area of all residential buildings proposed in a Commercial Retirement Community development. Except as otherwise noted herein, these uses may be located within a proposed residential building or as a freestanding facility on the site of a Commercial Retirement Community development. Such accessory uses, primarily for the convenience of and use by the resident, include:

(i) Retail store or personal service shop.

(ii) Bank or similar institution.

(iii) Professional office.

(iv) Indoor recreation facility, games room, media center, club/craft/woodworking centers.

(v) Rental, sales or administrative offices or maintenance facility for the Commercial Retirement Community development.

(vi) Fitness Center, Community Pool and/or Spa

(vii) Restaurant and/or Dining Facility

(viii) Wellness Center

(ix) Maintenance Building

(x) Similar use(s) to those enumerated in subsections (i) through (ix) above. The applicant shall demonstrate that said use(s) shall provide a service or amenity to the residents of the proposed Commercial Retirement Community development and shall have no adverse impacts on uses external to said development.

(6) Required Accessory Use Regulations. Certain additional uses shall be developed in conjunction with an Commercial Retirement Community development including the following, provided, however, that none is intended as an independent, free-standing commercial use:

(i) A Community Center for use primarily by the residents of the community or their guests. Development of the Community Center shall occur in the first phase of any multi-phase project. The Community Center shall provide at least thirty (30) square feet of area for each household in the development it is to serve, provided, however, that it shall have a minimum of six thousand (6,000) square feet.

(ii) A Swimming Pool for use primarily by the residents of the community or their guests.

(iii) A walking system of sidewalks supplemented by trails that encourage the use of open and recreational space.

(iv) None of the above uses are intended as an independent, free standing commercial use.

(d) Lot, yard, and bulk regulations. In case of each lot/tract of land developed as a Commercial Retirement Community development, the following area and height regulations shall apply:

(1) Lot/tract area. The total gross tract area of the lot/tract for a Commercial Retirement Community development shall be not less than twenty (20) acres.

(2) Density. The maximum density for development pursuant to this Section shall be eight (8)) dwelling units per acre in the MDR and six (6) dwelling units per acre in the LDR. In the computation of density, the number of units shall be rounded down to the nearest whole number. Compliance with the standards in this ordinance does not guarantee that the maximum number of dwelling units will be achievable in all cases. The applicant's ability to develop the maximum number may be reduced as a result of the applicant's choices of dwelling types, building and/or lot sizes, physical constraints of the development site, or other factors. The area of the tract used to calculate the allowable density shall not include existing street rights of way, existing utility easements or lands within the Environmental Protection Overlay District.

(3) Impervious surface coverage. A maximum impervious surface coverage of sixty percent (60%) of the total lot/tract area

shall be permitted. The areas which are not impervious shall be improved with lawn or other suitable ground covers and landscaping.

(4) The following minimum dimensional requirements shall apply.

(i) Front setback from edge of paving to exterior of living space shall be a minimum of twenty (20) feet.

(ii) Rear yard shall be a minimum of forty (40) feet building to building.

(iii) Side yard shall be a minimum of twenty (20) feet building to building.

(iv) All buildings within the development shall be located at least fifty (50) feet from the perimeter of the tract boundary.

(v) The maximum building height shall be thirty-five (35) feet. Building height for this Section shall be the vertical distance measured from the average elevation of the finished grade at the front two corners of the building to the top of habitable space in the building, provided that a roof pitched to a single peak is provided in accordance with the architectural standards set forth herein.

(vi) The maximum length of any building or group of attached buildings shall be one hundred eighty feet (180')

(e) General Development Regulations. In addition to the other regulations of this district, the following requirements shall apply:

(1) A Resident Agreement or similar document shall be present to the township for review, stipulating the proposed development is intended to be "55 or Over Housing" within the meaning of the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), so as to qualify as "housing for older persons" within the meaning of the Fair Housing Act. The parcels comprising the development shall be deed-restricted to those over age fifty-five (55). The construction, interpretation and enforcement of this restriction shall be done in manner consistent with such requirements. This restriction shall be subject to all applicable federal and state laws concerning "housing for older persons". Permanent occupancy of any dwelling unit shall be restricted to persons 55 years of age or over. A permanent resident is a person who resides in a dwelling unit for thirty (30) or more consecutive days. Permitted visitations shall not exceed thirty (30) consecutive days without additional agreement. Three (3) exceptions may apply to the 55 years of age qualification as follows:

(i) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

(ii) A qualified handicapped dependent, incapable of living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident. Provisions of care must be provided to the community in the

event the qualified resident can no longer provide for the handicapped dependent.

(iii) A spouse under the age of 55 with residency linked to the qualified resident.

(2) The development shall be consistent with the purpose of this chapter to promote the health, safety, morals, and general welfare of the township.

(3) The development shall consist of a harmonious selection of uses and groupings of buildings, 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.

(4) In any case where a repair or processing activity is permitted in conjunction with a personal service shop, custom shop or similar use, any such activity shall, if located on the ground floor, be effectively screened from the front portion of the building used by customers by a wall or partition.

(5) No storage of materials, equipment, or goods shall be permitted outside a building, except in the case of a maintenance building with appropriate screening and no merchandise shall be displayed on the exterior of a building.

(6) 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 automobile parking facilities. Appropriate screening shall be required.

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

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

(9) Concrete sidewalks shall be constructed on at least one side of interior drives and accessways. The extent and placement of sidewalk should encourage walking within the community and serve as a connection to internal trails, accessory buildings, amenities and services.

(10) All buildings shall be served by a public sanitary sewage disposal system and public or community water supply.

(11) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open space areas which add to the overall cohesive development of the Commercial Retirement Community development and overall township development.

(f) Parking. Parking shall be in accordance with Section 924 of this Chapter. In addition:

(1) Parking spaces include garages, carports, driveways and open lined spaces.

(2) No parking lots shall be permitted within twenty-five feet (25') of a property line or ultimate right-of-way line.

(g) Open Space. A minimum of thirty percent (30%) of the gross tract area shall be permanently reserved as open space. In the Open Space, the following shall apply:

(1) There shall be a reasonable mix of active and passive areas, with maximum preservation of existing environmental amenities in the areas left for passive recreational use.

(2) Adequate open space shall be provided for active use, and shall be developed in such manner and with facilities compatible with the population who will reside in the community.

(3) All open space areas provided, exclusive of any offered for dedication to and accepted by the Township, shall be maintained by the owner or similar entity, as approved by the Township Board of Supervisors.

(4) No more than ten percent (10%) of the required common open space shall include areas devoted to stormwater management facilities. An additional 15 % of the required common open space may include areas devoted to stormwater management facilities provided that such facilities are designed as structural BMPs as defined in Chapter 6 of the Pennsylvania Stormwater Best Management Practices Manual, excluding dry extended detention basins, and are incorporated into the overall landscape design of the surrounding open space.

(h) Access Restriction. No dwelling unit within the Commercial Retirement Community development may take access directly from any existing road in the Township.

(i) Landscaping. Landscaping, including a buffer, shall be planted around the perimeter of the entire tract in accordance with Section 517 of the Amity Subdivision and Land Development Ordinance.

(j) Architectural Standards. Commercial Retirement Community development dwellings shall be subject to the following standards:

(1) The applicant shall prepare a set of architectural characteristics for the single family, semi-detached, townhomes and community center in the development, including floor plans, elevations, prospective sketches, and building materials, subject to approval by the Board of Supervisors, with the advice of the Township Planning Commission. Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area. A minimum of six different exterior designs will be required to provide a more interested visual variety. A minimum of twenty-five percent (25%) of the total of all four sides of the exterior of the façade of each unit shall be constructed of brick or stone materials. In the event that more than three (3) townhouses are connected together, each unit and each

group of units must be located with different setbacks from the street line. Major architectural features, such as structural bay windows, porticoes, front porches and dormers, shall be required for a minimum of twenty-five percent (25%) of the Commercial Retirement Community development dwelling units.

(2) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) When Residential Units or group of Residential Units, designated as a single architectural unit are proposed for development on a tract in the Commercial Retirement Community development, the buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12. In addition, at least forty (40%) percent of all four residential units building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or rendering submitted by the applicant. Residential Units or group of Residential Units designed as a single architectural unit shall provide offsets to the front and rear building designs at minimum of every sixty (60) feet.

(4) Typical elevations for the various types of dwelling units, using various architecturally pleasing materials, shall be presented and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design.

(k) Entrances. Boulevard entrances shall be required for all primary entrances to the development.

(l) Streets. All streets, storm sewer and sanitary sewer facilities in the Commercial Retirement Community shall be privately owned and maintained.

(m) Internal Circulation. Special consideration will be given to the requirement for interior drives, accessways, driveways and parking to support the specific needs of a Commercial Retirement Community. Development of Streets together with alleys and rear entry garages with parking for townhouses is encouraged.

(n) Declaration of restrictive covenants. Accompanying the Plan, a Declaration of Restrictive Covenants must be approved by the Township and recorded. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, or as subsequently amended. The following are the minimum requirements for the Declaration:

(1) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, developer, mortgagees of any lot and/or building on the tract, owner and/or legal entity responsible for the operations of the community and its associated facilities, and any other parties having any interest in all or any part of the proposed

development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible entities fail to do so.

(2) Maintenance provisions shall be included for all improvements and common areas.

(3) Provisions to ensure that development of any buildings, parking, or other similar improvements, are prohibited on any areas to be utilized solely for open space purposes, as indicated on the approved Plan.

(4) Residency restrictions applicable to a Commercial Retirement Community development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of a Commercial Retirement Community shall be limited by contract and Deed Restriction, to persons 55 years of age or older, except as follows:

(i) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

(ii) A qualified handicapped dependent, incapable of living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident.

Provisions of care must be provided to the community in the event the qualified resident can no longer provide for the handicapped dependent.

(iii) A spouse under the age of 55 with residency linked to the qualified resident.

(5) The applicant shall prove to the satisfaction of the Board of Supervisors that the owner or operation management will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(6) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

(7) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 247, October 1, 2008, Section 5)

Section 954. Continuing Care Retirement Community (CCRC).

(a) Permitted uses in a CCRC may include:

(1) Dining Facilities, including central kitchens for on-site preparation of meals and restaurants;

(2) Recreational facilities, including activity rooms, auditoriums, lounges and libraries;

(3) Office and retail service facilities designated for use by the residents of the CCRC may include, but not limited to: gift shops, coffee shops, barber or beauty shops, banks, convenience stores, and pharmacies, provided that any such single service facility shall not exceed 2,500 sq. ft. of gross floor area;

(4) Health care facilities, including physical therapy facilities and services, exercise rooms/equipment and swimming pools;

(5) Day care facilities for the supervision of children and adults, utilized as part of a CCRC development and limited to CCRC residents, visitors or employees;

(6) Indoor and outdoor recreational facilities, including, but not limited to, a golf course, tennis courts, running/walking tracks, swimming pools, and multi-purpose fields;

(7) Indoor storage for vehicles and property of residents;

(8) Indoor storage of maintenance and other equipment used in the operation and maintenance of the CCRC' and

(9) Community Center primarily intended for use by the Residents of the CCRC.

(b) Area, Yard and Height Requirements of a CCRC.

Minimum Regulations

Lot Area	10 acres
Lot Width	400 feet
Building Setback	60 feet
Rear/Side Yards	50 feet
Improvement setback	20 feet
Buffer Yard	20 feet
Landscaped area	Minimum 30%
Distance between buildings	25 feet

Maximum Regulations

Lot Coverage	40%
Paved Area	60%
Building Height	50 feet

(c) Parking. Parking shall be in accordance with Section 924 of this Chapter.

(d) Special Design Standards/Conditions for CCRC:

(1) The entire CCRC must be serviced by public water and sewer.

(2) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) Any structure in excess of one story proposed for development on a tract in the CCRC development, shall incorporate roofs pitched to a single peak. In addition, all four building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or a rendering submitted by the applicant.

(4) Typical elevations for the various types of buildings and dwelling units, using various architecturally pleasing materials, shall be presented to and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design and materials.

(6) Entrances. Boulevard entrances shall be required for all primary entrances to the development.

(7) Streets. All streets, stormwater and sanitary sewer facilities in the CCRC shall be privately owned and maintained.

(8) Declaration of restrictive covenants. A Declaration of Restrictive Covenants must be approved by the Township and recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, as amended. The following are the minimum requirements for the Declaration:

(i) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, developer, mortgagees of any lot and/or building on the tract, owner and/or legal entity responsible for the operations of the community and its associated facilities, and any other parties having any interest in all or any part of the proposed development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible entities fail to do so.

(ii) Maintenance provisions shall be included for all improvements and common areas.

(iii) Provisions to ensure that development of any buildings, parking, or other similar improvements, are prohibited on any areas to be utilized solely for open space purposes, as indicated on the approved Plan.

(iv) Residency restrictions applicable to a CCRC development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of a CCRC shall be limited by contract and Deed Restriction, to persons 65 years of age or older, except as follows:

a) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

b) A qualified handicapped dependent, incapable of living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident. Provisions of care must be provided to the community in the event the qualified resident can no longer provide for the handicapped dependent.

c) A spouse under the age of 65 with residency linked to the qualified resident.

d) Assisted living or nursing home residents need not be 65 years of age.

(v) The applicant shall prove to the satisfaction of the Board of Supervisors that the owner or operation management will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(vi) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

(vii) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 246, August 6, 2008, Section 9)

Section 955. Nursing Home, Retirement or Convalescent Home.

(a) Special Design Standards.

(1) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(2) The building or buildings shall contain at minimum of 40% of the entire exterior of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or rendering submitted by the applicant.

(3) Pitched roofs shall be incorporated into all buildings.

(Ordinance 246, August 6, 2008, Section 9)

Section 956. Age Restricted Housing.

(a) Purpose. It is hereby declared to be the intent of this Section to establish reasonable standards and criteria to permit Age Restricted Housing developments in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development. The township hereby recognizes:

(1) The housing needs for residents as they get older and life-style preferences change.

(2) The need to provide for developments consistent with the provisions of the Federal Fair Housing Act amendments of 1988 or as subsequently amended.

(3) The needs to provide for such developments consistent with the Township's planning goals.

(4) The need to recognize that lesser impacts and smaller household sizes associated with age-restricted communities can justify different development standards than typical development of similar types.

(5) The need to encourage flexible site design which respects the Township's natural features.

(6) The need to encourage the creation of individual neighborhoods.

(b) Use regulations. A building or group of buildings may be erected or used and a lot may be used and occupied for any of the following purposes and no other:

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling

(3) Townhouse structures.

(4) Condominiums each individually owned and designed as a single architectural project or unit.

(5) Accessory uses on the same lot/tract which are customarily incidental to any of the above permitted uses, provided that the total floor area does not exceed an area equivalent to 25% of the total ground floor area of all residential buildings proposed in an Age Restricted Housing development. Except as otherwise noted herein, these uses may be located within a proposed residential building or as a freestanding facility on the site of an Age Restricted Housing development. Such accessory uses shall be intended for use by the residents of the development and may include:

(i) Retail store or personal service shop. (First floor only of an apartment building or community center.)

(ii) Bank or similar institution. (First floor only of an apartment building or community center.)

(iii) Professional office.

(iv) Indoor recreation facility, fitness center, clubhouse or community center.

(v) Rental, sales or administrative offices or maintenance facility for the Age Restricted Housing development.

(vi) Gate house (security hut) and appurtenances related thereto (gates, automated card readers and similar facilities)

(vii) Similar use(s) to those enumerated in subsections (i) through (vi) above. The applicant shall demonstrate that said use(s) shall provide a service or amenity to the residents of the proposed Age Restricted Housing development and shall have no adverse impacts on uses external to said development.

(viii) Certain additional uses shall be developed in conjunction with an Age Restricted Housing development including the following:

a) Community Center for the use of residents of the community or their guests. Development of the Community Center shall occur in the first phase of any multi-phase project. The Community Center shall provide at least thirty (30) square feet of area for each household in the development it is to serve, provided, however, that it shall have a minimum of six thousand (6,000) square feet. A Community Center may include kitchen, dining, and banquet facilities; lobby(ies) or other common gathering areas; meeting rooms; locker rooms, rest rooms, exercise facilities and swimming pools.

b) Outdoor recreational facilities for the exclusive use of residents of the community or their guests, including tennis courts, fitness/jogging/walking/bicycling trails, practice golf green, swimming pools or similar facilities.

(c) Lot, yard, and bulk regulations. In case of each lot or tract of land developed for an Age Restricted Housing development, the following area and height regulations shall apply:

(1) Lot/tract area. The total gross tract area for a development in the Age Restricted Housing development shall be not less than twenty (20) acres.

(2) Density. Density of dwelling units shall not exceed six (6) units per acre in the MDR Zoning District and four (4) units per acre in the LDR Zoning District. In the computation of density, the number of units shall be rounded down to the nearest whole number. Compliance with the standards in this ordinance does not guarantee that the maximum number of dwelling units will be

achievable in all cases. The applicant's ability to develop the maximum number may be reduced as a result of the applicant's choices of dwelling types, building and/or lot sizes, physical constraints of the development site, or other factors. The area of the tract used to calculate the allowable density shall not include lands within existing street rights of way existing utility easements or lands within the Environmental Protection Overlay District.

(3) Impervious surface coverage. A maximum impervious surface coverage of sixty percent (60%) of the total lot or tract area shall be permitted. Said limitation shall apply to the overall development and not to individual building areas or lots into which the larger development may be subdivided. The areas which are not impervious shall be improved with lawn or other suitable ground covers and other landscaping.

(4) Each of the following maximum and minimum dimensional requirements shall apply to single-family detached residences, single-family semi-detached townhouses and condominiums within an Age Restricted Development:

Minimum Regulations

	Single Family Detached	Single Family Semi-detached	Townhouses	Condominiums	Accessory Uses
Lot Area	7500 sq ft	5000 sq ft	2000 sq ft	-----	-----
Lot Width	50 ft	50 ft	20 ft	-----	-----
Building setback					
from curb	20 ft	20 ft	20 ft	40 ft	40 ft
Rear Yard	20 ft	20 ft	25 ft	60 ft	40 ft
				(building to Building)	(building to building)
Side Yard (each)	7.5 ft	7.5 ft	30 ft	60 ft	40 ft
			(building to building)	(building to building)	(building to building)

Maximum Regulations

	Single Family Detached	Single Family Semi-detached	Townhouses	Condominiums Uses	Accessory
Building Height	35 ft	35 ft	35 ft	35ft	35 ft

Building Height for this Section shall be the vertical distance measured from the average elevation of the finished grade at the front two corners of the building to the highest point of habitable space in the building, provided that a roof pitched to a single peak is provided in accordance with the architectural standards set forth herein.

Building Length shall not exceed one hundred eighty feet (180') for Townhouses or Condominium units

50' minimum set-back for all buildings or accessory uses from perimeter tract boundary.

If zero lot lines are utilized, the Lot Area and Lot width requirements shall not apply.

(d) Lotting Exclusion. In order to allow the maximum flexibility in site design and ownership arrangements, lotting is not required in any development built pursuant to this Subsection. However, in cases where lots are not utilized the distances between units and road rights-of-way (or equivalent rights-of-way in the case of private roads) shall be the same as if lot lines are provided. However, along lot lines on which any form of zero-lot line single-family detached dwelling unit is coincident, a maintenance easement shall be required on any abutting lot, the minimum width of which shall be five (5) feet.

(e) Development Regulations. In addition to the other regulations of this district, the following requirements shall apply:

(1) The proposed development is intended to be "55 or Over Housing" within the meaning of the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), so as to qualify as "housing for older persons" within the meaning of the Fair Housing Act and shall be deed restricted accordingly. The construction, interpretation and enforcement of this restriction shall be done in manner consistent with such requirements. This restriction shall be subject to all applicable federal and state laws concerning "housing for older persons". Occupancy of any dwelling unit shall be restricted to persons 55 years of age or over ("age qualified"), provided, however, that a person who is age qualified may occupy such unit with such person's spouse, regardless of age, and with a child 19 years of age or over who is not enrolled in secondary school. No occupancy shall be permitted by any person who is or intends to have as a permanent resident in the unit, a person under the age of 19 years unless such person is a handicapped dependent protected by the provisions of the Fair Housing Act. A permanent resident is a person who resides in a dwelling unit for thirty (30) or more consecutive days. Permitted visitations shall not exceed thirty (30) consecutive days.

(2) The development shall be consistent with the purpose of this chapter to promote the health, safety, morals, and general welfare of the township.

(3) The development shall consist of a harmonious selection of uses and groupings of buildings, 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.

(4) In any case where a repair or processing activity is permitted in conjunction with a personal service shop, custom shop or similar use, any such activity shall, if located on the ground floor, be effectively screened from the front portion of the building used by customers by a wall or partition.

(5) No storage of materials, equipment, or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building.

(6) 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 automobile parking facilities.

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

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

(9) Concrete sidewalks shall be constructed on each street or road abutting the lot unless other suitable pedestrian trails are constructed based upon specifications approved by the Township.

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

(11) Landscaping, including a buffer, shall be planted around the perimeter of the entire tract in accordance with Section 517 of the Amity Subdivision and Land Development Ordinance.

(12) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open space areas which add to the overall cohesive development of the Age Restricted Housing development and overall township development.

(f) Parking. Parking shall be in accordance with Section 924 of this Chapter. In addition, no parking lots shall be permitted within twenty-five feet (25') of a property line or ultimate right-of-way line.

(g) Open Space. A minimum of thirty percent (30%) of the gross tract area shall be permanently reserved as open space. In the Open Space, the following shall apply:

(1) There shall be a reasonable mix of active and passive areas, with maximum preservation of existing environmental amenities in the areas left for passive recreational use.

(2) Adequate open space area shall be provided for active use, and shall be developed in such manner and with facilities compatible with the population who will reside in the community.

(3) The open space and recreation plan for any development proposed pursuant to this district shall be submitted for review by the Township Park and Recreation Board.

(4) All open space areas provided, exclusive of any offered for dedication to and accepted by the Township, shall be maintained by a homeowners' association or similar entity, as approved by the Township Board of Supervisors.

(5) The Open Space shall be deed restricted to prohibit further development thereon.

(6) No more than 10% of the required common open space shall include areas devoted to stormwater management facilities. An additional 15% of the required common open space may include areas devoted to stormwater management facilities provided that such facilities are designed as structural BMPs as defined in Chapter 6 of the Pennsylvania Stormwater Best Management Practices Manual,

excluding dry extended detention basins, and are incorporated into the overall landscape design of the surrounding open space

(h) Access Restriction. No dwelling unit within the Age Restricted Housing development may take access directly from any existing road in the Township.

(i) Architectural Standards. Age Restricted Housing development dwellings shall be subject to the following standards:

(1) The applicant shall prepare a set of architectural characteristics for the single family, semi-detached, townhomes and community center in the development, including floor plans, elevations, prospective sketches, and building materials, for approval by the Board of Supervisors, with the advice of the Township Planning Commission. Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area. A minimum of six different exterior designs will be required to provide a more interested visual variety. A minimum of twenty-five percent (25%) of the total of all four exterior sides of the façade of each unit shall be constructed of brick or stone materials. In the event that more than three townhouses are connected together, each unit and each group of units must be located with different set backs from the street line. Major architectural features, such as structural bay windows, porticoes, front porches and dormers, shall be required for a minimum of twenty-five percent (25%) of the Age Restricted Housing development dwelling units.

(2) The architectural characteristics of all buildings shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) When condominium buildings are proposed for development on a tract in the Age Restricted Housing development, the buildings shall incorporate pitched roofs with a minimum pitch of 5/12. In addition, at least forty (40%) percent of the total of all four building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or a rendering submitted by the applicant. Condominium buildings shall provide offsets to the front and rear building designs at a minimum of every sixty (60) feet.

(4) Typical elevations for the various types of dwelling units, using various architecturally pleasing materials, shall be presented to and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design.

(j) Streets. Consideration will be given to street width waivers if adequate guest parking is provided. This waiver shall be in the sole discretion of the Board of Supervisors. Development of streets together with alleys with rear entry garages and parking for townhouses is encouraged. Boulevard entrances shall be required for all entrances to the development.

(k) Declaration of restrictive covenants. Accompanying the Plan, a Declaration of Restrictive Covenants must be presented and approved by the Township and recorded. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, as amended. The following are the minimum requirements for the Declaration:

(1) Provisions for the establishment of a Homeowners Association(s) or other similar entity as approved by the Township, with mandatory membership by the current owner of each dwelling unit represented in the Plan.

(2) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, members of the aforementioned Association(s), developer, mortgagees of any lot and/or building on the tract, legal entity responsible for the operations of the community center and its associated facilities, and any other parties having any interest in all or any part of the proposed development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible association(s) or other entities, fail to do so.

(3) Cross easements shall be included, which shall assure proper circulation throughout the development and access to all common recreation and open space areas, roadways and common parking areas.

(4) Maintenance provisions shall be included for any community/recreation center and related facilities, other recreational facilities, circulation network, common parking areas, landscaping and all other areas not individually controlled by a homeowner in fee title.

(5) Provisions to ensure that development of any buildings, parking, or other similar improvements, be prohibited on any lots to be utilized solely for open space purposes, as indicated on the most currently approved Plan.

(6) Provisions stipulating each lot owner/resident's rights with respect to common areas.

(7) Residency restrictions applicable to an Age Restricted Housing development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of an Active Adult Community shall be limited by Deed Restriction, and by lease where applicable, to households including at least one permanent resident age fifty-five (55) years or older, and shall prohibit occupancy by any person age eighteen (18) or younger, except as follows:

(i) Individual units may occasionally house persons younger than age eighteen (18), such as grandchildren, provided they reside within the unit for less than sixty (60) days in any calendar year.

(ii) This subsection shall not require members of a household to move out of a dwelling unit if they qualified for residency at the time of their initial occupancy and no longer

meet the requirements for residency because a resident age fifty-five (55) or older died, divorced, was placed in a nursing or other similar assisted care facility or experienced a similar circumstance.

(iii) The applicant shall prove to the satisfaction of the Board of Supervisors that an appropriate entity, such as a homeowners association, will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(8) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

(9) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 248, October 1, 2008, Section 5)

Part 10

Nonconformities

Section 1001. Application and Intent.

(a) Within the zoning districts established by this Chapter 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 Chapter or future amendments thereto.

(b) To avoid undue hardship, nothing in this Chapter 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.

(Ordinance 130, December 9, 1991, Section 1001)

Section 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 Chapter 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.

(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 (2) 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 Chapter, 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 Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

(Ordinance 130, December 9, 1991, Section 1002)

Section 1003. Nonconforming Uses of Land. 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 subsections.

(a) Extension. 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.

(b) Discontinuance. Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be re-established, except if the owner of such property files within thirty (30) days of the 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 re-established shall be extended by a twelve (12) month period.

(c) 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.

(d) Additional Structures. No additional structures not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ordinance 130, December 9, 1991, Section 1003)

Section 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 subsections.

(a) Enlargement.

(1) A nonconforming 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.

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

(3) Total future expansion of a nonconforming use shall not exceed fifty percent (50%) of the area occupied by the use at the time of the effective date of this Ordinance.

(b) Damage or Destruction. A nonconforming building or structure which has been damaged by fire, explosion, accident and/or calamity may be reconstructed and used for the same nonconforming 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.

(c) Moving of Structure. 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.

(Ordinance 130, December 9, 1991, Section 1004; as amended by Ordinance 164, April 26, 1999, Section 37)

Section 1005. Nonconforming Use of Structures or Buildings or of Buildings and Land in Combination. Lawful nonconforming structures or buildings, or structures or buildings and land 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 Chapter, may be continued so long as it remains otherwise lawful, subject to the provisions listed in the following subsections.

(a) Enlargement.

(1) An existing structure devoted to a use not permitted by this Chapter in the district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than twenty five percent (25%) 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 (10) years or more) and purchased or leased prior to the enactment or amending of this Ordinance.

(2) 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.

(3) 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.

(b) Change of Use. 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.

(c) Discontinuance. 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.

(d) Destruction. 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 Subsection is defined as damage to an extent of more than seventy-five percent (75%) of the market value at the time of destruction.

(Ordinance 130, December 9, 1991, Section 1005)

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 a 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. (Ordinance 130, December 9, 1991, Section 1006)

Section 1007. Permitted Special Exception Uses. Any use which is permitted as a special exception in a zoning district under the terms of this Chapter (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. (Ordinance 130, December 9, 1991, Section 1007)

Section 1008. Registration of Nonconformities. To facilitate the administration of this Chapter, the property owner shall inform the Township Zoning Officer as to the status of a nonconforming use, lot, structure or building. The burden of proof that the use, lot, structure or building is a nonconformity shall be the responsibility of the property owner. All known nonconformities shall be a matter of public record and shall constitute sufficient notice and the limitations therein express and implied to any transferee acquiring any right to use or own such property. (Ordinance 130, December 9, 1991, Section 1008; as amended by Ordinance 164, April 26, 1999, Section 38)

Section 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.

(Ordinance 130, December 9, 1991, Section 1009)

Part 11

Administration and Enforcement

Section 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 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.

(Ordinance 130, December 9, 1991, Section 1101)

Section 1102. Permits and Certificates.

(a) Zoning Permit.

(1) 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.

(2) 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 Chapter 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 the Planning Commission shall regulate all conditions specified under Part 9 of this Chapter.

(3) All applications shall be made in writing and shall be accompanied by three (3) sets of plans indicating or illustrating the following information if applicable:

(i) The actual dimensions and shape of the lot to be built upon prepared by a licensed surveyor or engineer;

(ii) 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;

(iii) The number of dwelling units, if applicable;

(iv) Parking spaces provided and/or loading facilities;

(v) Statement indicating the existing or proposed use;

(vi) Height of structure, building or sign;

(vii) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Chapter;

(viii) A detailed scaled drawing of the signs showing intended location and stating how it shall be affixed;

(ix) A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used;

(x) A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign; and

(xi) A written agreement that the sign shall be erected according to the accompanying plans and specifications.

(4) 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.

(5) 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 this Chapter which has not been satisfied. Applicants shall be informed of their rights of appeal and provided with all necessary information to pursue such appeals.

(6) Zoning permits shall expire within six (6) months from date of issuance, if the work described in any permit has not begun. If the 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.

(b) Certificate of Use and Occupancy.

(1) 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.

(2) The application for Certificate of Use and Occupancy shall be submitted on such form as the Zoning Officer may prescribe.

(3) 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 Chapter and with the work listed in the Zoning Permit, a Certificate of Use and Occupancy shall be issued.

(4) A Certificate of Use and Occupancy shall be granted or refused, in writing, within ten (10) days from the date of application.

(5) 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 ninety (90) days past the date of reinspection.

(c) Certificate of Nonconforming Use or Structure.

(1) 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.

(2) Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

(Ordinance 130, December 9, 1991, Section 1102)

Section 1103. Zoning Officer.

(a) Appointment.

(1) 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.

(2) The Zoning Officer or staff shall continue to serve the Township until such time as the Board of Supervisors declares otherwise.

(b) Duties and Powers. It shall be the duty of the Zoning Officer to enforce literally the provisions of this Chapter, as amended, and shall have such duties and powers as are conferred by this Chapter and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

(1) Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Chapter.

(2) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter 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, and 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.

(3) 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.

(4) 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 the Governing Body in accordance with the regulations of this Chapter.

(5) Be responsible for keeping this Chapter and the Zoning Map up-to-date so as to include all amendments thereto.

(6) Issue Certificates of Use and Occupancy in accordance with the terms of this Chapter.

(7) Review and register nonconforming uses, lots, structures, buildings or signs as submitted by the property owner.

(8) Perform such other duties as may be required for the administration of this Chapter.

(c) 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 Chapter, 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 the 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.

(Ordinance 130, December 9, 1991, Section 1103; as amended by Ordinance 164, April 26, 1999, Section 39)

Section 1104. Zoning Hearing Board.

(a) Creation and Membership.

(1) The Township Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township appointed by the Township Board of 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 Chapter.

(2) The Township Supervisors may appoint alternate members of the Zoning Hearing Board pursuant to the provisions of the Code, as amended. The alternate members may serve as provided in the Code.

(b) Organization.

(1) The Zoning Hearing 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 Zoning Hearing Board. The Zoning Hearing 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 Zoning Hearing Board as provided in Section 1105. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the Township and the laws of the State. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine.

(2) All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing 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.

(c) Expenditures and Compensation. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing 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 by the Board of Supervisors.

(d) Procedures for Application. The Zoning Hearing 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 Chapter. All appeals and applications made to the Zoning Hearing Board shall be in writing, on forms prescribed by the Zoning Hearing Board. Every appeal or application shall refer to the specific provision of this Chapter involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of this Chapter, 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 the Township Planning Commission to review and comment on the application prior to rendering a decision.

(Ordinance 130, December 9, 1991, Section 1104)

Section 1105. Functions of the Zoning Hearing Board. 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 Board of Supervisors, and the procedures to be followed by each, shall be as established in said Code.

(a) Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. In granting any variance the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended. The Zoning Hearing 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 the Planning Commission to review and comment on the application prior to rendering a decision. The Zoning Hearing Board may grant a variance provided that all the following findings are made where relevant in a given case:

(1) 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 Chapter in the neighborhood or district in which the property is located;

(2) 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 Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) 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;

(5) That the variance as granted by the Zoning Hearing Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(6) The approval of a variance if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the variance should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval, or should the activity which is the subject of the variance be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(b) Special Exceptions. The Zoning Hearing Board shall hear and decide, upon application, only such special exceptions which the Zoning Hearing Board by the provisions of this Chapter is specifically authorized

to issue. The granting of a special exception when specifically authorized by the terms of this Chapter 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 Chapter for the use in question. In all cases, the Zoning Hearing Board shall request the Board of Supervisors and the Planning Commission to review and comment on the application prior to rendering a decision.

(1) 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.

(2) Such special exception shall only be granted subject to any applicable condition and safeguards as required by this Chapter.

(3) 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.

(4) 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.

(5) Services and utilities shall be made available to adequately service the proposed use by the applicant.

(6) The granting of the special exception shall be consistent with the Township Comprehensive Plan.

(7) The approval of a special exception, if authorized by the Zoning Hearing Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the special exception should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the special exception be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, as amended.

(Ordinance 130, December 9, 1991, Section 1105)

Section 1106. Hearing 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 Board of 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 (1) week prior to the hearing.

(b) The Township Board of Supervisors may prescribe reasonable fees consistent with the Pennsylvania Municipalities Planning Code.

(c) The hearing shall be held within sixty (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 the 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 therefor. 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 forty-five (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 thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) 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 Subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in the Subsection 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.

(Ordinance 130, December 9, 1991, Section 1106)

Section 1107. Amendments.

(a) Initiation of Amendments. Proposals and/or applications 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:

(1) 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.

(2) 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 Chapter.

(3) Proposals Initiated by Others. In the case of amendment, supplement, change, modification or re-zoning proposed by other than the Board of Supervisors or the Township Planning Commission, such proposal shall be submitted to the Board of Supervisors, together with any application forms or fees as may be required by the Board of 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.

(b) 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.

(c) Hearings.

(1) 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.

(2) 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.

(3) Public notice, as defined in Act 247, as amended, shall be given of the time, place and 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 principal provisions in reasonable detail, and a reference to a place where copies of the proposed ordinance or amendment may be examined.

(d) Post Enactment Procedures.

(1) After enactment, if the advertisement of a zoning ordinance amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the 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.

(2) Amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly reported therein.

(3) Within thirty (30) day of enactment, the Township shall forward an endorsed copy of the amendment to the Berks County Planning Commission.

(Ordinance 130, December 9, 1991, Section 1107)

Section 1108. Curative Amendments.

(a) Procedure for Landowner Curative Amendments.

(1) A landowner who desires to challenge on substantive grounds the validity of this Chapter 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 Pennsylvania Municipalities Planning Code (Act 247, as amended).

(2) The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request unless the landowner requests or consents to an extension of time.

(3) The curative amendment shall be referred to the Township Planning Commission and the County Planning Commission at least thirty (30) days prior to the hearing to provide both agencies with an opportunity to submit recommendations.

(4) The hearing shall be conducted in accordance with procedures established in Section 609.1 of Act 247, as amended.

(5) Within thirty (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.

(b) Procedure for Municipal Curative Amendments.

(1) Pursuant to Section 609.2 of Act 247, as amended, the Township, by formal action, may declare this Chapter or portions thereof substantively invalid and propose the preparation of a curative amendment to overcome such invalidity. Within thirty (30) days the Board of Supervisors shall:

(i) By resolution, make specific findings setting forth the declared invalidity of this Chapter. 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.

(ii) Begin to prepare and consider a curative amendment to correct the declared invalidity.

(2) Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to this Chapter or reaffirm the validity of this Chapter. The established procedures required by Section 609 of Act 247, as amended, shall govern the process of enactment of the curative amendment.

(3) Following the date of enactment of a curative amendment or reaffirmation of this Chapter, the Township may not again utilize the curative amendment procedure for a thirty-six (36) month period.

(4) 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 this Chapter to fulfill said duty or obligation.

(5) Within thirty (30) days of enactment, the Township shall forward an endorsed copy of the ordinance/amendment to the Berks County Planning Commission.

(Ordinance 130, December 9, 1991, Section 1108)

Section 1109. Conditional Uses.

(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 Chapter have been met. The applicant shall be responsible for all pertinent costs incurred for the review of the application.

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

(c) The application shall be reviewed at one or more advertised meetings of the Township Board of Supervisors.

(d) Conditional uses shall meet the specific standard established for each use by this Chapter and all other applicable Zoning District requirements and general regulations established by this Chapter. In addition, the following standards shall be met:

(1) 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.

(2) The use conforms with the goals, objectives and policies of the Township Comprehensive Plan.

(3) The use conforms with the spirit, purposes and intent of all other applicable provisions of all other Township ordinances.

(4) The use conforms with all pertinent State and Federal laws, regulations and requirements.

(5) Services and utilities shall be made available to adequately service the proposed use.

(6) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(7) The use is appropriate to the site in question.

(8) 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 Board of Supervisors may attach such additional reasonable conditions and safeguards as they deem necessary to implement the purpose of this Chapter 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 (see Chapter XXVII of the Township Code of Ordinances).

(h) The approval of a conditional use, if authorized by the Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one (1) year from the date of said approval and shall thereafter expire and be void, unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy be initiated within said one (1) year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the conditional use should not be initiated within one (1) year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the conditional use be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(Ordinance 130, December 9, 1991, Section 1109; as amended by Ordinance 164, April 26, 1999, Section 40)

Section 1110. Appeals. All appeals for securing review of this Chapter or any decision, determination or order of the Board of Supervisors, its agencies or officers issued pursuant to this Chapter shall be 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 Chapter shall be raised by an appeal taken directly from the action of the Board of Supervisors to the court filed not later than thirty (30) days from the effective date of this Ordinance or the Map. (Ordinance 130, December 9, 1991, Section 1110)

Section 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 Chapter.

(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.

(Ordinance 130, December 9, 1991, Section 1111)

Section 1112. Remedies and Penalties.

(a) 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 Chapter, the Governing Body or, with its approval, the Zoning Officer, in addition to other remedies, may institute in the name of the Township 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 Chapter are cumulative and are in addition to all other remedies provided by law.

(b) Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding by a municipality, pay a minimum judgment of Twenty-Five Dollars (\$25.00) up to a maximum of Six Hundred Dollars (\$600.00) for a first offense and a minimum of One Hundred Dollars (\$100.00) up to a maximum of Six Hundred Dollars (\$600.00) for each consecutive offense. In addition to the judgment, the liable party shall be responsible for paying all court costs, including reasonable attorneys' fees incurred by the Township 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 Chapter shall be paid over to the 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.

(Ordinance 130, December 9, 1991, Section 1112)

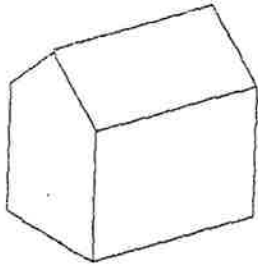
Section 1113. Effective Date. The Amity Township Zoning Ordinance of 1991 was enacted by the Township on December 9, 1991. The technical amendments to this Ordinance were enacted by the Township as follows: Ordinance No. 134 enacted May 4, 1992; Ordinance No. 146 enacted August 29, 1994; Ordinance No. 160 enacted April 27, 1998; Ordinance No. 164 enacted April 26, 1999; Ordinance No. 166 enacted October 11, 1999; Ordinance No. 176 enacted December 11, 2000.

Part 12

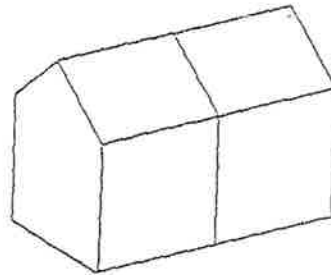
Diagrams and Zoning Map

Section 1201. Diagram - Types of Dwelling Units. (Ordinance No. 130, December 9, 1991, Attachment)

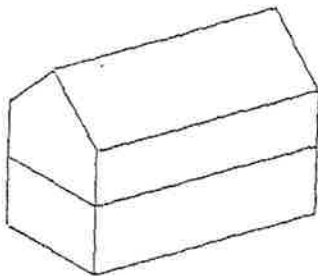
TYPES OF DWELLING UNITS



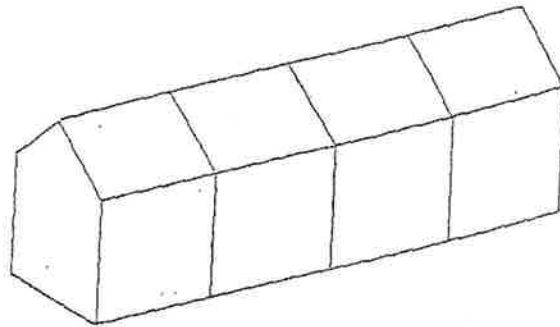
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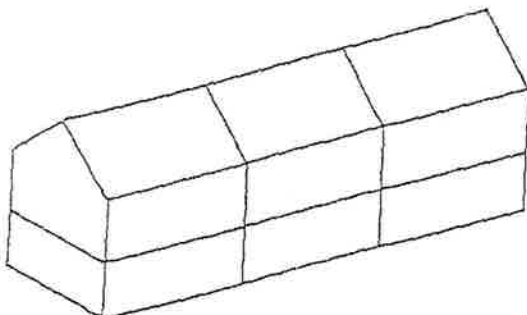
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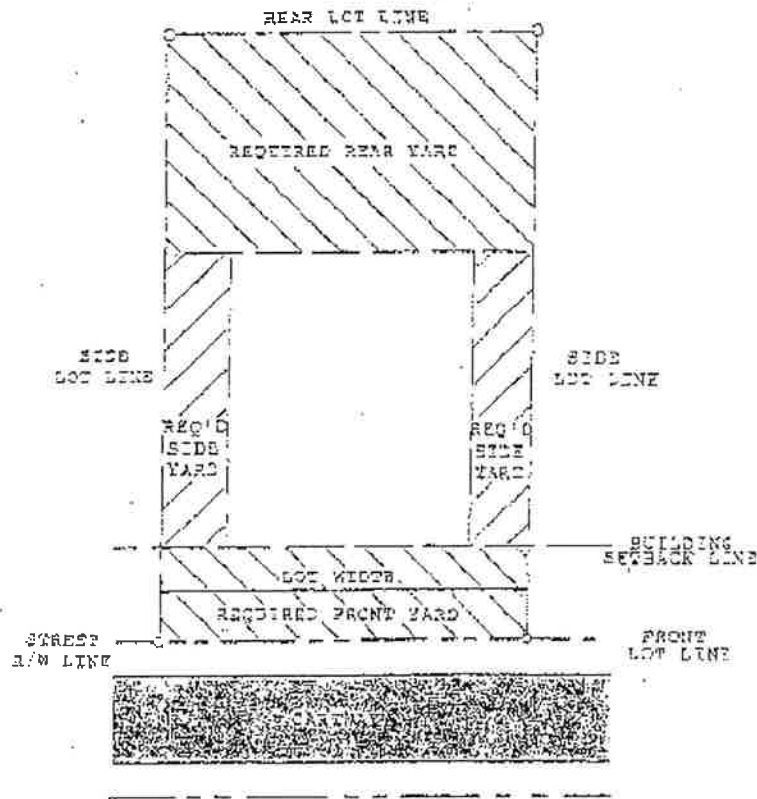
TOWNHOUSES OR
SINGLE FAMILY ATTACHED



APARTMENT BUILDING

Section 1202. Diagram - Lot and Setback Requirements. (Ordinance 130, December 9, 1991, Attachment)

LOT AND SETBACK REQUIREMENTS



Section 1203. Amity Township Zoning Map. (Ordinance 246, August 6, 2008,
Section 18)

Section 1204. Diagram 1204 - Monument Sign. (Ordinance 237, June 5, 2007, Section 2)

