

Part 2

Definitions

Section 201. General Interpretation. Unless otherwise stated hereafter, words and phrases within this Chapter shall have the meaning assigned in this Part. Terms not defined in this Part shall be interpreted according to common usage or as the context may imply. For the purpose of this Chapter, certain terms and words have been defined and/or interpreted below:

(a) Words used in the present tense shall include the future tense.

(b) Words in the singular shall include the plural and words in the plural shall include the singular.

(c) Words in the masculine gender shall include the feminine and the neuter.

(d) The words "shall", "will", and "must" are mandatory.

(e) The words "can" or "may" are permissive.

(f) The word "person" includes any "individual", "company", "partnership", "corporation", "association", "unincorporated association" or other similar entity.

(g) The words "used for" include "designed for", "arranged for", "intended for", "maintained for" and "occupied for".

(h) The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".

(i) The word "lot" shall include the terms "plot", "parcel", "site" and "tract".

(j) The word "Township" shall refer to Amity Township, Berks County, Pennsylvania.

(Ordinance 135, November 18, 1992, Section 201)

Section 202. Specific Terms.

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

(b) 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.

(c) Acre. Forty-three thousand five hundred sixty (43,560) square feet.

(d) Act. The Pennsylvania Municipalities Planning Code, as amended.

(e) Act 247. The Pennsylvania Municipalities Planning Code, as amended.

(f) Adjacent. The state of being side by side, next to or adjoining one another.

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

(h) Agent. Any person other than the developer who, acting for the subdivider or developer, submits subdivision or land development plans to the Township for the purpose of obtaining approval.

(i) Alley. A right-of-way or street that is municipally or privately owned which serves as a secondary vehicular access to the side or rear of two (2) or more properties.

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

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

(l) 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.

(m) Annexation. The act of adding, joining or uniting one (1) lot to another lot in order to create out of said two (2) lots a larger tract or parcel of land intended for separate use, building development or transfer of ownership.

(n) Applicant. A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, representatives, successors and assigns.

(o) Architect. A professional architect registered in the Commonwealth of Pennsylvania.

(p) Berm. An earth mound with a maximum side slope of 3:1 covered with grass, shrubbery or ground cover and which is intended to block views, create landscape interest or impound water.

(q) 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.

(r) Board of Supervisors. The Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

(s) 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 of this Chapter.

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

(u) 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.

(v) Building Coverage. The percentage of a lot covered by principal and accessory buildings.

(w) Building Envelope. The area of lot that is not subject to any required building setbacks and/or development restrictions.

(x) Building Height. The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of the building to the highest point of the roof.

(y) Building Length. The measurement of a building in one (1) general direction.

(z) 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).

(aa) 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.

(bb) Cartway. The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

(cc) Centerline (Street). A line measured midway between and parallel to the street right-of-way line, or as otherwise defined on plans and deeds of record.

(dd) Certificate of Use and Occupancy. A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances), or that a building, structure, sign and/or land may be lawfully employed for specific uses or both.

(ee) Clear Sight Triangle. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

(ff) 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.

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

(hh) 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.

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

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

(kk) Comprehensive Plan. The document entitled the "Amity Township Comprehensive Plan", or any part thereof, adopted by the Board of Supervisors.

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

(mm) Conversion. To change or adapt land or structures to a different use, occupancy or purpose.

(nn) County. The County of Berks, Commonwealth of Pennsylvania.

(oo) County Planning Commission. The Berks County Planning Commission.

(pp) Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or building.

(qq) Crosswalk (Interior Walk). A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

(rr) Curb Line. The edge of the cartway.

(ss) Dedication. The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

(tt) Density. The number of dwelling units per gross acre.

(uu) Design Standards. Regulations imposing standards for the layout by which a subdivision or land development is developed.

(vv) Developer. Any landowner, whether an individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit (or agent of said landowner authorized thereby) which undertakes the subdivision or development of land.

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

(xx) Development Plan. The provisions for development of a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, rights-of-way, and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

(yy) Drainage Facility. Any ditch, swale, culvert, gutter, pipe, pond, storm sewer or other structure designed, intended and/or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, recreational areas, parking facilities or any part of any subdivision, land development or contiguous land area.

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

(aaa) Driveway. A private right-of-way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.

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

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

(ddd) Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

(eee) Engineer. A licensed professional engineer registered by the Commonwealth of Pennsylvania.

(fff) Erosion. The process by which soil and bedrock are worn away by the action of wind, water, climate or chemical action.

(ggg) Excavation. Any act by which earth, sand, gravel or rock is dug into, cut, quarried or moved.

(hhh) Floodway. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

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

(jjj) Grade. The inclination, with the horizontal, of a street which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance and/or the level of the land improved or unimproved.

(kkk) Governing Body. The Amity Township Board of Supervisors.

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

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

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

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

(ppp) 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.

(qqq) Impervious Surfaces. Those surfaces which do not absorb water. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone shall be considered impervious

surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

(rrr) Improvement. Those physical additions and modifications to the land that may be required to insure that the site is suitable for the proposed land use.

(sss) Improvements Agreements. An agreement (in a form and manner acceptable to the Township) requiring a developer to install the improvements required by this Chapter and any improvements or amenities which appear on the plan in accordance with the requirements of this Chapter.

(ttt) Improvement Setback. The minimum distance an improvement must be set back from a street right-of-way and/or property line.

(uuu) Improvement Specifications. Regulations adopted pursuant to this Chapter imposing minimum standards for the construction of the required improvements such as roads, storm drainage facilities, curbs, sidewalks, sanitary sewage facilities, etc.

(vvv) Land Development. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

(2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; or

(3) a subdivision of land.

(www) 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.

(xxx) Landscape Architect. A professional landscape architect registered by the Commonwealth of Pennsylvania.

(yyy) 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 public 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.

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

(aaaa) Lot Area (Net). The space contained within the lot lines, excluding any and all land areas as follows: areas within existing or designated ultimate street rights-of-ways; areas delineated as "wetlands"; areas identified as common open space; and areas within easements dedicated for utility, municipal or storm water 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.

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

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

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

(eeee) 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.

(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.

(ffff) Lot of Record. A lot or parcel recorded in the Office of the Recorder of Deeds of Berks County, Pennsylvania.

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

(hhhh) Marker. A marker shall be a metal reinforced pin of at least three-quarters inch (3/4") in diameter and at least thirty-six inches (36") in length.

(iiii) Monument. A monument shall be a concrete monument of at least thirty inches (30") in length and have a flat top at least four inches (4") in diameter or square with the bottom sides being two inches (2") or greater. All concrete monuments shall contain a copper or brass dowel (plug).

(jjjj) Multiple Dwelling Building. A building providing separate dwelling units for three (3) or more families.

(kkkk) Municipality. The Township of Amity, Berks County, Pennsylvania.

(llll) Municipal Use. A land use owned, operated and/or maintained by the Township such as, but not limited to, recreational areas/facilities, educational facilities, emergency management facilities, administrative offices, meeting rooms, water and sewage facilities, utilities, road materials and equipment storage facilities, cultural facilities, historical facilities and other similar governmental land uses.

(mmmm) Official Map. The Zoning Map of Amity Township (see Chapter XXXII of the Township Code of Ordinances).

(nnnn) 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.

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

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

(qqqq) Parking Perimeter. The limit beyond which parking is not allowed, the circumscribed parking area.

(rrrr) Parking Space. A reasonable 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.

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

(tttt) Plan. The proposal for subdivision or land development, including 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.

(1) Sketch Plan. An informal plan, drawn to scale, indicating existing features of a tract and the general layout of the proposed subdivision or land development. The plan shall be presented for discussion purposes only and not for approval.

(2) Preliminary Plan. A tentative subdivision or land development plan (including all required supplementary data) showing the pertinent features of a tract and proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

(3) Final Plan. A complete and exact subdivision or land development plan (including all required supplemental data) prepared for official recording as required by statute, to define property rights, proposed streets and other improvements.

(4) Minor Subdivision Plan. A complete and exact plan prepared in accordance with the standards and limitations specified under Subsection 306(b) of this Chapter.

(5) As-Built/Improvement Plan. A detailed engineering plan showing the construction details of streets, storm drainage facilities and other improvements as required by this Chapter.

(6) Plan of Record. An exact copy of the approved final plan which has been officially recorded by the Berks County Recorder of Deeds.

(uuuu) Planned Residential Development (PRD). 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. All standards and specifications for PRD's are contained within Part 7 of the Amity Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(vvvv) Planning Commission. The Planning Commission of the Township of Amity, Berks County, Pennsylvania.

(www) Plat. The map or plan of a subdivision or land development, whether sketch, preliminary or final.

(xxxx) Principal Building. A building in which a principal use on a lot is carried on.

(yyyy) Principal Use. The main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which it may be occupied or maintained under the terms of the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(zzzz) 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.

(aaaa) 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.

(bbbb) Regulatory Flood Elevation. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half feet (1.5').

(cccc) Reverse Strip. A parcel of land separating a street from other adjacent properties or from another street.

(dddd) Resubdivision. Any change of lot lines within a previously approved subdivision. Any replatting or new division of land. Replatting shall be considered as constituting a new subdivision of land.

(eeee) Review. An examination of subdivision or land development plan by the Planning Commission and the Board of Supervisors to determine compliance with this Chapter and the administrative regulations, design standards and improvement specifications enacted pursuant thereto.

(ffff) Right-of-Way. The total width of any land that is reserved or dedicated for streets, utilities, drainage facilities or other public purposes.

(1) Existing Right-of-Way. The legal right-of-way as currently established by the Commonwealth or other appropriate governing authority.

(2) Ultimate Right-of-Way. The right-of-way deemed necessary to provide adequate width for future improvement.

(ggggg) Sanitary Sewer System. A system designated 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 or Municipal 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, but not confined to a neighborhood area.

(hhhhh) Sewage Enforcement Officer (SEO). An official designated by the Township who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations as established by the Pennsylvania Department of Environmental Protection for design and installation of sewage facilities.

(iiiiii) Sight Distance. The required horizontal length of a roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by vehicular traffic. Horizontal sight distances shall be measured in each direction from the edge of the cartway at a point three and one-half feet (3.5') above the road surface to a point six inches (6") above the centerline of the road surface.

(jjjjj) Site. A parcel or parcels of land intended to have one or more buildings, or intended to be subdivided into one or more lots.

(kkkkk) Soil Survey. A document entitled "Soil Survey of Berks County, Pennsylvania" issued in September, 1970 by the United States Department of Agriculture in cooperation with the Pennsylvania State University and the Pennsylvania Department of Agriculture.

(lllll) Soil Percolation Test. A field test conducted by a person qualified according to the rules and regulations of the Pennsylvania Department of Environmental Protection to determine the suitability of the soil for on-lot sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at any given location and depth.

(mmmmm) Solid Waste. Waste including solid, liquid, semi-solid or contained gaseous materials.

(nnnnn) 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 (separated by a reverse strip) which provides access to abutting properties and control of intersections.

(6) Service Street (Alley). A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

(7) Public Street. A street offered for dedication and accepted by the Township for public use.

(8) Private Street. A street not offered or intended to be offered for dedication to the Township for public use.

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

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

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

(rrrr) Subdivider. Any landowner, whether an individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit (or agent of said landowner authorized thereby) which undertakes the subdivision or development of land.

(ssss) Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

(tttt) Subdivision and Land Development Ordinance. The Amity Township Subdivision and Land Development Ordinance of 1992; as amended on July 6, 1993; as further amended on June 3, 1996; as further amended on October 6, 1997; as further amended on April 26, 1999; as further amended on April 3, 2000.

(uuuu) Surveyor. A professional land surveyor registered by the Commonwealth of Pennsylvania.

(vvvv) Township. The Township of Amity, Berks County, Pennsylvania.

(wwww) Township Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania and appointed by the Township.

(xxxxx) 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.

(yyyyy) Utilities. Those services customarily rendered by public utility corporations, municipalities or municipal authorities, in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes and poles).

(zzzzz) Water Supply System. A system designated 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 proposed to service a community, but not confined to a single neighborhood.

(aaaaaa) Wetlands. Those areas that are inundated or saturated by surface or ground water 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.

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

(ccccc) 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.

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

(eeeeee) Zoning Map. The Amity Township Zoning Map (see Chapter XXXII of the Township Code of Ordinances).

(ffffff) Zoning Officer. The agent or official designated by the governing body to administer and enforce the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(gggggg) Zoning Ordinance. The Amity Township Zoning Ordinance of 1991; as amended on May 4, 1992; as further amended on November 18, 1992; as further amended on August 29, 1994; as further amended on April 27, 1998; as further amended on April 26, 1999; as further amended on October 11, 1999 (see Chapter XXXII of the Township Code of Ordinances).

(Ordinance 135, November 18, 1992, Section 202; as amended by Ordinance 165, April 26, 1999, Sections 1 & 2)

Part 3

Application Procedures

Section 301. General Procedures.

(a) This Part provides an overview of the general procedures for the application, submission, review and approval of proposed subdivision plans or land development plans within Amity Township.

(b) All subdivision and land development plans within the corporate limits of Amity Township shall be reviewed by the Amity Township Planning Commission, the Berks County Planning Commission and other Township, State and County officials as deemed necessary, and shall be approved or disapproved by the Amity Township Board of Supervisors in accordance with the procedures specified within this Part and within other sections of this Chapter.

(c) For all proposed subdivision and land development plans, except those exempted from standard procedures, a Sketch Plan, Preliminary Plan, and Final Plan must be submitted to the Township for review and approval. Those plans exempted from this standard procedure shall comply with the procedures identified under Section 306 of this Chapter.

(Ordinance 135, November 18, 1992, Section 301)

Section 302. Jurisdiction.

(a) The Board of Supervisors shall have jurisdiction of subdivision and land development within the Township limits. In order to assist the Board of Supervisors in its consideration of subdivisions and land developments, the Board of Supervisors hereby decrees that the Township Planning Commission shall serve the following functions:

(1) All plans proposing subdivision or land development, upon submission to the Township, shall be referred to the Planning Commission for review.

(2) The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, conditional approval or disapproval of such plans.

(3) The Planning Commission shall also make recommendations to the Board of Supervisors concerning the interpretation of this Chapter and the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).