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Part 1

General Provisions

Section 101. Title. An Ordinance establishing rules and regulations governing the subdivision and development of land within Amity Township, Berks County, Pennsylvania, pursuant to the authority set forth in the Pennsylvania Municipalities Planning Code (Act 247, as amended), setting forth the procedure to be followed by the Amity Township Board of Supervisors and Planning Commission in applying these rules, regulations, standards and specifications, and prescribing the manner of enforcement and penalties for the violation thereof. (Ordinance 135, November 18, 1992, Section 101)

Section 102. Short Title. This Ordinance shall be known and cited as the "Amity Township Subdivision and Land Development Ordinance of 1992, as amended". (Ordinance 135, November 18, 1992, Section 102)

Section 103. Purpose. These regulations are adopted to protect, promote and create conditions favorable to the health, safety, convenience and general welfare of the citizens of Amity Township by:

(a) Ensuring that sites will be suitable for building purposes, human habitation, commercial and industrial operations, and other uses for which land may be used.

(b) Providing for the orderly, efficient, integrated and harmonious development of land within the Township.

(c) Effectively coordinating the planning, design and construction of proposed transportation and community facilities with existing facilities in the Township.

(d) Ensuring the conformance of subdivision and land development plans with the public improvement plans and programs of the Township, County and/or State.

(e) Providing for the efficient and orderly extension of community facilities and services.

(f) Ensuring that all subdivision and land development applications are consistent with the goals, objectives and policies of the Amity Township Comprehensive Plan and the Amity Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(g) Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population.

(h) Assuring the equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance by both the applicant and Township officials.

(i) Encouraging and promoting flexibility in subdivision and land development design when it results in an improvement to the environment and overall conditions of the site.

(j) Creating conditions favorable to the health, safety and general welfare of the residents of Amity Township.

(Ordinance 135, November 18, 1992, Section 103)

Section 104. Interpretation.

(a) The provisions of this Amity Township Subdivision and Land Development Ordinance shall be held to be the minimum requirements to meet the stated purposes indicated under Section 103.

(b) 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 135, November 18, 1992, Section 104)

Section 105. Application.

(a) After the effective date of this Ordinance, any subdivision or land development shall be in conformity with this Subdivision and Land Development Ordinance including all standards and specifications adopted as part of this Ordinance.

(b) All subdivision and land development applications shall conform with the goals, objectives and policies of the Amity Township Comprehensive Plan.

(c) All subdivision and land development applications shall conform with the standards and provisions of the Amity Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(d) No subdivision or land development of any lot, tract or parcel of land shall be made, and no street sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

(e) Unless and until a subdivision and/or land development plan has been approved and recorded in accordance with all standards and provisions of this Chapter, no lots within a proposed subdivision or land development may be sold and no permits shall be issued in order to erect any building upon land within a development.

(f) Where under special and unique conditions, a literal enforcement of these regulations would result in an unnecessary hardship, such reasonable exceptions thereto may be made, provided it will not effect the public health, safety and general welfare of the Township residents.

(g) After approval or endorsement by the Amity Township Planning Commission and Board of Supervisors, the subdivision or land development plan shall be recorded in the Berks County Recorder of Deeds Office located in Reading, Pennsylvania.

(Ordinance 135, November 18, 1992, Section 105)

Section 106. 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 135, November 18, 1992, Section 106)

Section 107. 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 amended Subdivision and Land Development Ordinance; provided however, that the provisions of this amended Subdivision and Land Development Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this amended Subdivision and Land Development Ordinance. (Ordinance 135, November 18, 1992, Section 107)

Section 108. Effective Date. This Subdivision and Land Development Ordinance has been enacted by the Amity Township Board of Supervisors on November 18, 1992. This Ordinance shall become effective on November 25, 1992. (Ordinance 135, November 18, 1992, Section 108)

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) Caliper. Diameter of a tree's trunk measured twelve inches (12") above the ground.

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

(dd) 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.

(ee) 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.

(ff) 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.

(gg) 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.

(hh) 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.

(ii) 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.

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

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

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

(mm) 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.

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

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

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

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

(rr) 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.

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

(tt) 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.

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

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

(ww) 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.

(xx) 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.

(yy) 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.

(zz) 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.

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

(bbb) 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.

(ccc) 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.

(ddd) 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.

(eee) 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.

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

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

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

(iii) 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.

(jjj) 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.

(kkk) 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.

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

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

(nnn) 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.

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

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

(qqq) 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.

(rrr) 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 areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

(sss) 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.

(ttt) 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.

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

(vvv) 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.

(www) 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.

(xxx) 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.

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

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

(aaaa) 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.

(bbbb) 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.

(cccc) 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.

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

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

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

(gggg) 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.

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

(iiii) 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.

(jjjj) 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.

(kkkk) Mature Tree. Any tree of six inches (6") or more in caliper, whether standing along, in tree masses or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species as determined by the Township.

(llll) 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).

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

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

(oooo) 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.

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

(qqqq) 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.

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

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

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

(uuuu) 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 then two hundred (200) square feet exclusive of passageways or other means of circulation or access.

(vvvv) Paved Area. The percentage of lot area covered by any and all impervious surfaces, as defined herein.

(wwww) 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.

(xxxx) 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).

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

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

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

(bbbbb) 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).

(ccccc) 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.

(ddddd) 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.

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

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

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

(hhhhh) 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.

(iiiii) 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.

(jjjjj) 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.

(kkkkk) 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.

(lllll) 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.

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

(nnnnn) 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.

(ooooo) 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.

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

(qqqqq) Specimen Tree. Any tree with a caliper that is seventy-five percent (75%) or more of the State record tree of the same species in the Commonwealth of Pennsylvania.

(rrrrr) 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.

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

(ttttt) 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.

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

(vvvvv) 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.

(wwwww) 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.

(xxxxx) 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.

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

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

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

(bbbbbb) Tree Mass. A grouping of three (3) or more trees each at least six inches (6") in caliper within an area of one hundred (100) square feet.

(cccccc) 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.

(dddddd) 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).

(eeeeee) 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.

(ffffff) 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.

(gggggg) Woodland. A stand of predominantly native vegetation covering at least one (1) acre, consisting of at least fifty percent (50%) cover of mature trees in varying size.

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

(iiiiii) 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.

(jjjjjj) 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".

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

(lllllll) 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).

(mmmmmmm) 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; as further amended by Ordinance 217, September 6, 2005, Sections 1 & 2; as further amended by Ordinance 235, April 17, 2007, 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).

(b) The Board of Supervisors shall consider the recommendations offered by the Planning Commission prior to taking action on any proposed subdivision or land development plan.

(Ordinance 135, November 18, 1992, Section 302)

Section 303. Sketch Plan Application and Review.

(a) Sketch Plan Submission.

(1) A Sketch Plan shall be considered as an unofficial submission to the Township for the purposes of informal review and discussion between the applicant and the Township.

(2) Although a Sketch Plan submission is not required, applicants are strongly encouraged to consult with the Township prior to formal application. For maximum usefulness, Sketch Plans should contain the information specified in Section 401 of this Chapter.

(b) Sketch Plan Review.

(1) The Planning Commission shall meet with the applicant and informally discuss the conceptual suitability of the proposed development, its relationship to existing streets and utilities, the proposed arrangement and density of the development, and the compatibility of the proposed plan with the Comprehensive Plan. Such meeting may be part of the regular monthly meeting of the Planning Commission or at a special public meeting.

(2) Based upon this meeting, the Planning Commission shall approve, approve with certain conditions or disapprove the Sketch Plan. If approved, the applicant may submit a Preliminary Plan to the Township for review and comment. If disapproved by the Planning Commission, the applicant should consider revising the Sketch Plan prior to the submission of a Preliminary Plan.

(Ordinance 135, November 18, 1992, Section 303)

Section 304. Preliminary Plan Application and Review.

(a) Preliminary Plan Submission.

(1) When filing for Preliminary Plan approval, the applicant shall submit to the Township Code Enforcement Officer one (1) complete copy of the proposed Plan and all data specified under Section 402 of this Chapter at least seven (7) days prior to the regularly scheduled monthly meeting of the Township Planning Commission.

(2) The applicant shall submit ten (10) complete copies of the proposed Preliminary Plan to the Township Planning Commission. Submissions will be accepted for review by the Township only at the regularly scheduled monthly meeting of the Township Planning Commission.

(3) All submissions shall be accompanied by the proper application forms, letter(s) of transmittal and review fees as determined by the Township.

(4) The applicant shall be responsible for submitting and distributing the proposed Plan to the Township Engineer, the Township Solicitor, the Township Zoning Officer, the Berks County Planning Commission, the Berks County Soil Conservation District, and all pertinent reviewing body or bodies, as specified by this Chapter or required by law.

(5) No application shall be deemed filed and accepted for review until all supplementary data, reports and studies as may be required under Parts 4 and 5 of this Chapter have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.

(6) At the discretion of the Township, the applicant shall submit and distribute the proposed Preliminary Plan to any of the following agencies or authorities for review and comment:

Pennsylvania Department of Environmental Protection
Pennsylvania Department of Transportation
Regional Water Authority/Company
Township Sewage Enforcement Officer
Township Parks and Recreation Board
Township Police Department
Regional Fire Company
Daniel Boone Area School District

(b) Preliminary Plan Review

(1) The Township Engineer and the Township Solicitor shall review the Preliminary Plan to determine its conformance to the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) and this Chapter. The Township Engineer and the Township Solicitor may recommend changes, alterations or modifications, as they may deem necessary. The report of the Township Engineer and the Township Solicitor shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

(2) The Township Zoning Officer and Code Enforcement Officer shall review the Preliminary Plan to determine its conformance to the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances). The Zoning Officer and Code Enforcement Officer shall check all zoning data to determine if the information shown on the proposed Preliminary Plan is in accordance with the latest amendments to the Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances). The report from the Township Zoning Officer and the Code Enforcement Officer shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Planning Commission.

(3) When a Preliminary Plan has been officially accepted for review by the Township, the applicant shall forward two (2) complete copies of the proposed Plan to the Berks County Planning Commission for their review and comment. Failure of the Berks County Planning Commission to act within thirty (30) days shall constitute a waiver of their right to review the Plan as submitted and the Township may officially act on the basis of such a waiver.

(4) When a Preliminary Plan has been officially accepted for review by the Township, such Plan shall be reviewed by the Township Planning Commission at its next regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting. During the review of the Preliminary Plan, the Township Planning Commission shall consider the written reports of the Township Engineer, the Township Solicitor, the Township Zoning Officer, the Township Code Enforcement Officer, the Berks County Planning Commission and other designated agencies or authorities before rendering its decision on the proposed Preliminary Plan.

(5) Upon completion of its review, the Planning Commission shall promptly submit its recommendations to the Board of Supervisors for their consideration. This recommendation shall be forwarded to the Board of Supervisors within ninety (90) days from the date the Preliminary Plan was officially accepted for review by the Township.

(6) During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board of

Supervisors within the required ninety (90) day period, the proposed Preliminary Plan may be revised by the applicant. Upon the submission of a revised Plan the applicant shall sign a statement withdrawing any previously submitted Plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised Plan. The revised Plans shall be submitted to the Planning Commission not later than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission.

(c) Preliminary Plan Approval.

(1) Following the review of the Preliminary Plan and the accompanying data by the Township Engineer, the Township Solicitor, the Township Zoning Officer, the Township Code Enforcement Officer, the Township Planning Commission, and the Berks County Planning Commission, the Board of Supervisors shall approve, approve with conditions, or reject the proposed Preliminary Plan. Conditions for approval must be clearly stated in writing. If rejected, the Township Board of Supervisors shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this Chapter and/or any other Township ordinances.

(2) The decision of the Board of Supervisors shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to the Township Code Enforcement Officer. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30^{th}) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement of the applicant and the Township.

(3) Approval or approval with conditions of a Preliminary Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval of the layout shown on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan must also be reviewed and approved by the Township as outlined under Section 305 of this Chapter.

(Ordinance 135, November 18, 1992, Section 304)

Section 305. Final Plan Application and Review.

(a) Final Plan Submission.

(1) Within twelve (12) months of receiving approval or approval with conditions of a Preliminary Plan, the applicant shall submit to the Township Code Enforcement Officer one (1) complete copy of the Final Plan and all supplementary data as required within this Chapter at least seven (7) days prior to the regularly scheduled monthly meeting of the Township Planning Commission.

(2) The applicant shall submit eight (8) complete copies of the proposed Final Plan to the Township Planning Commission. Submissions will be accepted for review by the Township only at the regularly scheduled monthly meeting of the Township Planning Commission.

(3) All submissions shall be accompanied by the proper application forms, letter(s) of transmittal and review fees as determined by the Township.

(4) The applicant shall be responsible for submitting and distributing the proposed Plan to the Township Engineer, the Township Solicitor, the Township Zoning Officer, the Berks County Planning Commission, the Berks County Soil Conservation District and all pertinent reviewing body or bodies, as specified by this Chapter or required by law.

(5) No application shall be deemed filed and accepted for review until any supplementary data, reports and studies as may be required under Parts 4 through 7 of this Chapter (including revisions required during the Preliminary Plan review) have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.

(6) At the discretion of the Township, additional copies of the proposed Final Plan may be requested from the applicant for review and comment.

(b) Final Plan Review

(1) The Township Engineer and the Township Solicitor shall review the proposed Final Plan to determine its conformance to the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) and this Chapter. The Township Engineer and the Township Solicitor may recommend changes, alterations or modifications, as they may deem necessary. The reports of the Township Engineer and the Township Solicitor shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the Final Plan is to be considered by the Township Planning Commission.

(2) The Township Zoning Officer and the Code Enforcement Officer shall review the Final Plan to determine its conformance to the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances). The Zoning Officer and the Code Enforcement Officer shall check all zoning data to determine if the information shown on the proposed Final Plan is in accordance with the latest amendments to the Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances). The reports from the Township Zoning Officer and the Code Enforcement Officer shall be in writing and shall be submitted to the Township Planning Commission prior to the scheduled meeting at which the Final Plan is to be considered by the Township Planning Commission.

(3) If required by the Township, the applicant shall forward two (2) complete copies of the proposed Final Plan to the Berks County Planning Commission for their review and comment. Failure of the Berks County Planning Commission to act within thirty (30) days shall constitute a waiver of its right to review the Plan as submitted and the Township may officially act on the basis of such a waiver.

(4) When a Final Plan has been officially accepted for review by the Township, such Plan shall be reviewed by the Township Planning Commission at its next regularly scheduled meeting. During the review of the Final Plan, the Township Planning Commission shall consider the written reports of the Township Engineer, the Township Solicitor, the Township Zoning Officer, the Township Code Enforcement Officer, the Berks County Planning Commission and other designated agencies or authorities before rendering its final decision on the proposed Final Plan.

(5) Upon completion of its review, the Planning Commission shall promptly submit its recommendations to the Board of Supervisors for its consideration. This recommendation shall be forwarded to the Board of Supervisors within ninety (90) days from the date the Final Plan was officially accepted for review by the Township.

(6) During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the proposed Final Plan may be revised by the applicant. Upon the submission of a revised plan the applicant shall sign a statement withdrawing any previously submitted plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised plan. The revised plans shall be submitted to the Planning Commission not later than ten (10) working days prior to a regularly scheduled meeting of the Planning Commission.

(c) Final Plan Approval.

(1) Following review of the proposed Final Plan and the accompanying data by the Township Engineer, the Township Solicitor, the Township Planning Commission, and the Berks County Planning Commission, the Board of Supervisors shall approve, approve with conditions, or reject the Final Plan.

(2) Any conditions for approval must be clearly stated in writing. If the Plan is rejected, the Board of Supervisors shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this Chapter and other Township ordinances. Copies of the statement shall be forwarded to the applicant and all concerned parties no more than fifteen (15) days following the decision.

(3) The decision of the Board of Supervisors shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meting next following the date upon which the applicant has made a complete submission to the Township Code Enforcement Officer. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30^{th}) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement of the applicant and the Township.

(4) All pertinent agreements, contracts, fees and contributions shall be satisfactorily completed and/or executed by the applicant prior to municipal approval.

(Ordinance 135, November 18, 1992, Section 305)

Section 306. Plans Exempted from Standard Procedures.

(a) Annexation Plans.

(1) Where the sole purpose of the proposed Plan is to annex a lot or parcel to an adjacent lot or parcel, the applicant may submit a Final Plan to the Township Planning Commission for review, comment and approval.

(2) The proposed Plan shall indicate that the purpose of the Plan is for annexation purposes only. No new building lots are proposed as a result of this Plan.

(3) The Final Plan shall be submitted and reviewed in accordance with Sections 305 and 403 of this Chapter.

(b) Minor Subdivisions.

(1) Where the sole purpose of the proposed Plan is to create two (2) and only two (2) parcels, lots or tracts of land from the original tract of land, and has adequate frontage on an improved public road, the applicant may submit a Final Plan to the Township for review, comment and approval.

(2) The applicant shall express in writing that the property in question has not been subdivided after September 16, 1966. The proposed Plan shall reflect this statement and shall also indicate that further subdivision of the tract will require a review of Plans in accordance with the standard review procedures of this Chapter.

(3) The Final Plan shall be submitted and reviewed in accordance with Sections 305 and 403 of this Chapter.

(c) Auction Sales.

(1) Where a property owner proposed to offer his land for sale at auction in two (2) or more parts, the owner shall prepare and submit a Preliminary Plan to the Township.

(2) The Preliminary Plan shall be prepared in accordance with Sections 304 and 402 of this Chapter. In addition, the Preliminary Plan shall contain the following notation:

> "This property is intended to be sold by auction on or about (Month - day - year), in whole or in part, according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a Final Plan has been approved by Amity Township in accordance with these regulations."

(3) The auction sale may then proceed in accordance with the above notation, after which the subdivider shall prepare and submit a Final Plan to the Township for review, comment and approval. The Final Plan shall be prepared in accordance with Sections 305 and 403 of this Chapter.

(d) Revised Plan of Record. Any revision, replatting or resubdivision of land which includes changes to a recorded Plan shall be considered a subdivision and shall comply with all regulations within this Chapter, except that:

(1) Lot lines may be changed from those on a recorded Plan, provided that in making such changes:

(i) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(ii) Easements or rights-of-way shall not be changed.

(iii) Street locations and block sizes shall not be changed.

(iv) No lot shall be created which does not abut an existing or proposed street.

(v) Open space and recreational areas shall not be reduced.

(2) In every case wherein lot lines are changed as permitted above, the applicant shall:

(i) Prepare and submit a revised Plan of record to the Township for review and approval. The Final Plan shall be prepared in accordance with Sections 305 and 403 of this Chapter.

(ii) The revised Plan of record shall specifically identify the previous Plan of record superseded and shall also contain the record references.

(iii) After the revised Plan of record has been approved by the Township, the applicant shall then record the new plan in accordance with this Chapter.

(Ordinance 135, November 18, 1992, Section 306)

Section 307. Land Development Plans. Unless specifically stated within this Chapter, a "land development plan" shall comply with the standard review procedures of this Chapter. (Ordinance 135, November 18, 1992, Section 307)

Section 308. Application Fees. An applicant submitting a plan for subdivision and/or land development shall tender the following fees made payable to the Township of Amity at the time of application and plan submission:

(a) Residential.

(1) One (1) to twenty-five (25) dwelling units or lots: an application fee of Two Hundred Fifty Dollars ($250.00) plus Twenty-Five Dollars ($25.00) per dwelling unit or lot.

(2) Twenty-six (26) to seventy-five (75) dwelling units or lots: an application fee of Three Hundred Fifty Dollars ($350.00) plus Twenty Dollars ($20.00) per dwelling unit or lot.

(3) Seventy-six (76) to one hundred fifty (150) dwelling units or lots: an application fee of Four Hundred Fifty Dollars ($450.00) plus Seventeen Dollars ($17.00) per dwelling unit or lot.

(4) One hundred fifty (150) plus dwelling units or lots: an application fee of Five Hundred Fifty Dollars ($550.00) plus Fifteen Dollars ($15.00) per dwelling unit or lot.

(b) Non-residential/Mixed Uses.

(1) Zero (0) to twenty-five thousand (25,000) gross square feet of floor space: an application fee of One Thousand Dollars ($1,000.00) plus Twenty-Five Dollars ($25.00) per one thousand (1,000) gross square feet of floor space.

(2) Twenty-five thousand one (25,001) to fifty thousand (50,000) gross square feet of floor space: an application fee of Two

Thousand Dollars ($2,000.00) plus Twenty Dollars ($20.00) per one thousand (1,000) gross square feet of floor space.

(3) Fifty thousand one (50,001) to one hundred thousand (100,000) gross square feet of floor space: an application fee of Three Thousand Dollars ($3,000.00) plus Seventeen Dollars ($17.00) per one thousand (1,000) gross square feet of floor space.

(4) One hundred thousand one (100,001) plus gross square feet of floor space: an application fee of Four Thousand Dollars ($4,000.00) plus Fifteen Dollars ($15.00) per one thousand (1,000) gross square feet of floor space.

(c) Any submission of revised plans will bear a Twenty-Five Dollar ($25.00) administrative fee.

(d) The applicant is also required to pay any review fees required by the Berks County Planning Commission, the Berks County Conservation Service, and any other reviewing authority or agency.

(e) The proposed application shall not be considered by the Township until all pertinent fees are paid in full.

(f) If the expenses of the Township for reviews of a subdivision or land development exceed the total fees that have been paid by the applicant, such excess expenses shall be paid by the applicant prior to the release of the Final Plan by the Township.

(Ordinance 135, November 18, 1992, Section 308; as amended by Ordinance 157, October 6, 1997, Section 1)

Section 309. Consultants Fees. The Board of Supervisors hereby directs that review fees for consultants engaged by the Township to review, comment upon or address such applications shall be chargeable to and payable by the applicant, in addition to the aforesaid application fees, at such rates as are herein established and having been determined that such rates are reasonable and in accordance with the ordinary and customary charges by the municipal consultant for similar service in the community and do not exceed the rate or cost charged by the same when fees are not reimbursed or otherwise imposed on applicants, as follows:

(a) Township Engineer: Fifty Dollars ($50.00) per hour.

(b) Township Surveyor: Seventy Dollars ($70.00) per hour.

(c) Township Solicitor: One Hundred Dollars ($100.00) per hour.

(Ordinance 157, October 6, 1997, Section 2)

Section 310. Advanced Escrow Deposit of Consultants Fees. The applicant shall, upon submission of the application, be required to tender, in accordance with the following schedule, certain monies to be placed in an escrow fund to be applied to satisfy professional and consultants fees and/or other costs incurred by the Township in reviewing said plans:

(a) Residential Subdivision and/or Land Development.

Annexation	$ 500.00
0-10 Lots	$1,000.00 + $100.00/lot
11-50 Lots	$1,500.00 + $100.00/lot
51 or more Lots	$5,000.00 + $ 50.00/lot

(b) Nonresidential.

Subdivision only: $1,000.00 + $200.00 per acre

Land Development: (Note: mfs is 1,000 square feet of floor space)

No Buildings: $1,000.00 + $50.00 per acre
Up to 25,000 square feet of floor space: $3,000.00
25,001 to 50,000 square feet of floor space: $3,000.00 + $100.00 per msf
50,001 to 100,000 square feet of floor space: $4,000.00 + $100 per msf
100,001 square feet or more floor space: $5,000.00 + $100 per msf

Said monies shall be placed in an escrow fund at the time of submission of said plans and/or applications and shall be applied to fees as they are accrued and billed to the Township. In the event that the actual cost for professional and consultant review fees do not exhaust said escrow fund, the balance thereof shall be refundable to the applicant. Said funds shall be maintained to insure satisfaction of all such fees, and in the event that such escrow fund shall be reduced by payment of such fees to an amount equal to or less than twenty percent (20%) of the original escrow deposit, applicant shall post additional monies, as may be directed by the Township, to renew such fund, which additional monies shall be tendered and paid to the Township within ten (10) days of a written request by the Township. In the event that applicant fails to post said additional monies as directed by the Township, the review, comment or approval of said plan shall be withheld until and unless applicant furnishes such additional monies. Applicant shall retain all of the benefits and entitlements of review of such fees in accordance with the terms of the Pennsylvania Municipalities Planning Code now in effect, or as hereinafter amended. (Ordinance 157, October 7, 1997, Section 3)

Section 311. Modification of Fee Schedule by Resolution. The Board of Supervisors hereby reserves the right and entitlement to revise, modify, adjust or change the schedule of fees, costs or expenses as may be necessary from time to time. (Ordinance 157, October 7, 1997, Section 4)

Section 312. Modifications.

(a) The provisions of this Chapter are intended as minimum standards for the protection of the public health, safety, convenience and general welfare of the residents of the Township. The Township may waive or modify these provisions in individual cases as may be deemed necessary in the public interest, provided that such modification shall not have the effect of nullifying the purpose and intent of this Chapter.

(b) If the literal compliance with any mandatory provision of this Chapter is shown by the applicant to be unreasonable and causes undue hardship to his property, the Township may grant a waiver of such mandatory provision.

(c) The applicant shall submit a written waiver request to the Planning Commission for review and comment. The waiver request shall reference the applicable section of this Chapter and indicate the reason or purpose for such a request. The Planning Commission shall provide a recommendation to the Board of Supervisors for each waiver requested by the applicant. The Board of Supervisors shall consider all waiver requests at a regularly scheduled meeting.

(d) The list of such modifications shall be entered in the minutes of the Township Planning Commission and/or Board of Supervisors. In addition, the waiver shall be clearly identified on the proposed Plan.

(Ordinance 135, November 18, 1992, Section 309)

Section 313. Improvements and Contributions.

(a) All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required improvements have been included under Part 6 of this Chapter.

(b) All conditions and provisions pertaining to developer contributions have been included under Part 7 of this Chapter.

(Ordinance 135, November 18, 1992, Section 310)

Section 314. Approval and Recording of Plans.

(a) After the completion of the procedures required within this Chapter, the Township Planning Commission shall place its endorsement on at least five (5) copies of the Plan which is to be recorded. The Plans shall be dated and signed by at least a majority of the members on the Planning Commission.

(b) After the completion of the procedures required within this Chapter, the Board of Supervisors shall place its endorsement on at least five (5) copies of the Plan which is to be recorded. The Plans shall be dated, sealed and signed by at least a majority of the Township Supervisors.

(c) No changes, erasures, modifications or revisions shall be made to any Subdivision or Land Development Plan after the Plan has been endorsed by the Township, unless the Plan has been resubmitted to the Township for review as required within this Chapter.

(d) After the Plan has been properly endorsed by the Township, the applicant shall submit the Plans to the Berks County Planning Commission for their endorsement. No Plan may be legally recorded unless it has been properly endorsed by the Township and the Berks County Planning Commission.

(e) After the Plan has been properly endorsed by the Township and the Berks County Planning Commission, the applicant shall record the Plans with the Berks County Recorder of Deeds within ninety (90) days of the date the Plan was endorsed by the Township. If the applicant fails to record the Plan within said ninety (90) day time period, the action of the Township will become null and void.

(f) After the Plan has been recorded, the applicant shall provide the Township with one (1) certified copy of the recorded Plan.

(Ordinance 135, November 18, 1992, Section 311)

Section 315. Appeals. Decisions of the Board of Supervisors may be appealed in accordance with the Pennsylvania Municipalities Planning Code (Act 247, as amended). (Ordinance 135, November 18, 1992, Section 312)

Section 316. Public Inspection of Plans.

(a) All plans submitted to the Township shall be available for public inspection during normal business hours. Requests by any member of the public to view plans outside of the Township Municipal Building shall be denied, except as stated below. Citizens may request any developer for a copy of a proposed plan.

(b) All plans submitted to the Township for review in accordance with the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) and this Chapter shall be made available for copying provided that the citizen so requesting pays a fee equal to the costs of copying and all related costs of the Township in arranging for the copying (i.e. personnel's hourly rate, mileage allowance, courier fees, etc.).

(c) Additionally, citizens may request the use of a Township office copy for personal copying themselves provided that a deposit equal to the cost of copying as determined by the Township Manager plus a fee of Ten Dollars ($10.00) (to cover incidental costs) is deposited with the Township. This deposit shall be returned provided that the plan is returned in the exact condition that it was originally loaned. The time of loaning the plan for copying shall not exceed twenty-four (24) hours or the entire deposit shall be forfeited. All fees must be paid prior to copying.

(d) Developers, by applying for subdivision, land development, zoning, planned residential development, cluster use or any other type of application, hereby waive any and all rights as they relate to copying and distribution of plan copy issues.

(Ordinance 171, April 3, 2000, Section 1)

Part 4

Plan Requirements

Section 401. Sketch Plans. When a Sketch Plan is submitted to the Township, the scale and sheet size shall conform to the requirements for Preliminary Plans. The Sketch Plan shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

(a) Tract boundaries, accurately labeled.

(b) Total acreage of the tract.

(c) North arrow.

(d) Written and graphic scales.

(e) Significant topographical and physical features.

(f) Proposed general street and lot layout.

(Ordinance 135, November 18, 1992, Section 401)

Section 402. Preliminary Plans. A Preliminary Plan application will not be considered complete unless all provisions specified under Subsection 304(a) have been completed. In addition, the Preliminary Plan shall be prepared in accordance with the standards and requirements specified within this Section.

(a) Drafting Standards. Preliminary Plans shall be prepared as follows:

(1) The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50'), except that if the average size of the proposed lots in the subdivision is five (5) acres or larger, the Plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

(2) The original drawing, and all submitted prints thereof, shall be made on sheets no smaller than twenty-four inches by thirty-six inches (24" x 36") and no larger than thirty-six inches by forty-eight inches (36" x 48").

(3) If the Preliminary Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

(4) Where the Preliminary Plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required, showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Planning Commission may, based on existing natural or man-made features, limit the area for which a prospective street system shall be sketched.

(b) General Information. The following general information shall be required on all Preliminary Plans:

(1) Name or identifying title of the proposed subdivision or land development.

(2) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.

(3) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch (1") equals eight hundred feet (800') and showing the relations of the property, differentiated by tone or pattern, to adjoining properties and to all streets, roads, municipal boundaries and recorded subdivision plans existing within one thousand feet (1,000') of any part of the property. In addition, the name and approximate distance to the closest recognized city, town or village, or the approximate distance to the nearest existing street, shall be shown and a title, scale and north point shall be indicated.

(4) Name and address of record owner, equitable owner and subdivider.

(5) Name and address of the registered engineer, surveyor, architect or planner responsible for the Plan.

(6) Names of all adjoining record owners, with the deed book volume and page number.

(7) Names of all adjoining subdivisions, if any, with the Plan book and page numbers where recorded.

(8) Total tract boundaries of the property being subdivided or developed, showing bearings and distances.

(9) A statement of total acreage of the property and the area being subdivided or developed.

(10) Zoning data, including all of the following which are applicable:

(i) Existing zoning district designations, requirements, use and bulk regulations, and any zoning district boundary lines traversing the proposed subdivision.

(ii) Any changes in the existing zoning including any variances, conditional uses or special exceptions that have been granted.

(iii) Any changes in the existing zoning proposed to be requested by the subdivider.

(c) Existing Features. The following existing features shall be depicted on the Preliminary Plan:

(1) Contour lines determined by acceptable surveying practices at vertical intervals of at least two feet (2') for land with average natural slope of four percent (4%), or less, and at intervals of at least five feet (5') for land with average natural slope exceeding four percent (4%).

(2) Location and elevations of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark.

(3) All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths, and approximate road grades.

(4) All existing buildings or other structures located within the proposed development.

(5) All existing man-made features within the proposed development and within fifty feet (50') of the proposed development. This may include, but not be limited to, sanitary sewer facilities, on-lot sewage facilities, water supply facilities, wells, fire hydrants, utility transmission lines, storm water management facilities, culverts, bridges and railroad lines. Where applicable, the size, type, material and invert elevations shall also be identified on the Plan.

(6) All existing natural features within the proposed development and within fifty feet (50') of the proposed development. This may include, but not be limited to, water courses, flood plain areas, natural drainage patterns, soil types and descriptions, delineated wetlands, hydric soils, high water table soils, tree masses, steep slopes, sinkholes and rock out-crops.

(7) The location, size and ownership of all existing utilities and utility rights-of-way within the proposed development. A statement of any conditions governing their ownership and use shall be included on the Plan.

(8) The location, dimensions and ownership of all access rights-of-way or easements within the proposed development. A statement of any conditions governing their ownership and use shall be included on the Plan.

(d) Proposed Layout. The following design information shall be identified on the Preliminary Plan:

(1) Location, dimensions and functional classification of all proposed streets and rights-of-way, with a statement of any conditions governing their ownership and use.

(2) Suggested street names.

(3) Location and dimensions of all proposed easements and rights-of-way, with a statement of any conditions governing their ownership and use.

(4) Locations, layout, dimensions and areas of all existing and proposed lots within the development.

(5) The minimum building setback lines for each lot within the development. This shall include the front, side, rear and reverse setbacks.

(6) A statement of the intended use of all lots and parcels within the development.

(7) Lot numbers and a statement of the total number of lots and parcels being developed. The residue parcel shall be included as a separate lot, not intended for development.

(8) The location and elevation of all existing and proposed street monuments.

(9) The location of all existing and proposed property markers.

(10) The location of proposed sanitary sewage facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(11) The location of proposed water supply facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(12) The location and arrangement of proposed storm water management facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(13) Parks, playgrounds and other areas dedicated or reserved for public use, with a statement of any conditions governing their ownership, operation, maintenance and use.

(14) Where on-lot sewage disposal is proposed, the location of the probe and percolation test sites shall be shown on the Plan. The results of such tests shall be submitted to the Township for review.

(e) Supporting Information. The Preliminary Plan shall be accompanied by the following supplementary data:

(1) Typical street cross-section drawing(s) for all proposed streets.

(2) Tentative profiles along the centerline of each proposed street shown on the Preliminary Plan. Such profiles shall show at least the following information, properly labeled:

(i) Existing (natural) and proposed finished grades along the centerline and at the right-of-way line for both sides of each proposed street.

(ii) The length of all vertical curves.

(iii) Existing and proposed storm sewer mains, manholes, inlets and culverts.

(iv) Existing and proposed sanitary sewer mains and manholes.

(v) All profiles shall show pipe crossings, storm sewers, sanitary sewers, water mains and any other underground utility crossings.

(vi) Profiles shall extend to points of connection with existing lines.

(vii) Proposed water distribution system and all appurtenances (if applicable).

(3) The profile sheets shall be drawn at one of the following sets of scales:

One inch (1") equals ten feet (10') horizontal, and one inch (1") equals one foot (1') vertical; or

One inch (1") equals twenty feet (20') horizontal, and one inch (1") equals two feet (2') vertical; or

One inch (1") equals forty feet (40') horizontal, and one inch (1") equals four feet (4') vertical; or

One inch (1") equals fifty feet (50') horizontal, and one inch (1") equals five feet (5') vertical.

(4) A Storm Water Management Plan shall be prepared in accordance with Section 511 of this Chapter.

(5) A Sediment and Erosion Control Plan shall be prepared in accordance with Section 512 of this Chapter.

(6) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of this Chapter, the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation.

(7) The Pennsylvania Department of Transportation shall review all Plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by the Pennsylvania Department of Transportation prior to Preliminary Plan approval. The Highway Occupancy Permit Number shall be noted on the Plan.

(8) Eight (8) completed copies of Planning Modules for land development, as required by the Pennsylvania Department of Environmental Protection.

(9) Schematic exterior architectural drawings of proposed townhouses, apartment buildings and non-residential buildings.

(10) A landscaping plan when required by and in accordance with Section 517.

(Ordinance 135, November 18, 1992, Section 402; as amended by Ordinance 208, January 18, 2005, Section 1; as further amended by Ordinance 217, September 6, 2005, Section 3)

Section 403. Final Plans. A Final Plan application will not be considered complete unless all provisions specified under Subsection 305(a) have been completed. In addition, the Final Plan shall be prepared in accordance with the standards and requirements specified within this Section.

(a) Drafting Standards. Final Plans shall be prepared as follows:

(1) The Final Plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50'), except that, if the average size of the proposed lots in the subdivision is five (5) acres or larger, the Plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

(2) The original drawing, and all submitted prints thereof, shall be made on sheets no smaller than twenty-four inches by thirty-six inches (24" x 36") and no larger than thirty-six inches by forty-eight inches (36" x 48").

(3) If the Final Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

(4) Where the Final Plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch shall be required, showing the prospective street system in the remainder of the property so that the street system in the submitted potion may be considered in relation to connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Planning Commission may, based on existing natural or man-made features, limit the area for which a prospective street system shall be sketched.

(5) Upon Final Plan approval by the Township and recording of the Plan by the Developer, three (3) sets of plans in a digital form satisfactory to the Township shall be distributed to the Township for its records, its Engineer's records and its Solicitor's records.

(b) General Information. The following general information shall be required on all Final Plans:

(1) Name or identifying title of the proposed subdivision or land development.

(2) North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.

(3) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch (1") equals eight hundred feet (800') and showing the relation of the property, differentiated by tone or pattern, to adjoining properties and to all streets, roads, municipal boundaries and recorded subdivision plans existing within one thousand feet (1,000') of any part of the property. In addition, the name and approximate distance to the closest recognized city, town or village, or the approximate distance to the nearest existing street, shall be shown and a title, scale and north point shall be indicated.

(4) Name and address of record owner, equitable owner and subdivider.

(5) Name and address of the registered engineer, surveyor, architect or planner responsible for the Plan.

(6) Names of all adjoining record owners, with the deed book volume and page Number.

(7) Names of all adjoining subdivisions, if any, with the Plan book and page numbers where recorded.

(8) Total tract boundaries of the property being subdivided or developed with accurate distance to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, however, that the boundary adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) is not required to be based upon field survey, and may be calculated. The

location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

(9) A statement of total acreage of the property and the area being subdivided or developed.

(10) Zoning data including all of the following which are applicable:

(i) Existing zoning district designations, requirements, use and bulk regulations, and any zoning district boundary lines traversing the proposed subdivision.

(ii) Any changes in the existing zoning including any variances, conditional uses or special exceptions that have been granted.

(iii) Any changes in the existing zoning proposed to be requested by the subdivider.

(11) A "Certification of Ownership, Acknowledgment of Plan and Offer of Dedication" shall be provided on the Plan and shall be duly acknowledged and signed by the owner or owners of the property before an officer authorized to take acknowledgment of deeds. A sample certification note has been included within Section 802 (Appendix B) of this Chapter.

(12) A "Certification of Accuracy" shall be provided on the Plan and shall be duly acknowledged, signed and sealed by the professional engineer, surveyor, architect or landscape architect responsible for preparing the Plan. A sample certification note has been included within Section 802 (Appendix B) of this Chapter.

(13) Certificates for municipal endorsement of the Plan by the Township Planning Commission and the Board of Supervisors. Sample endorsement notes have been included within Section 802 (Appendix B) of this Chapter.

(14) A blank space measuring three and one-half inches by five inches (3-1/2" x 5") shall be left, preferably adjacent to the Township certification, in which the endorsement stamp of the Berks County Planning Commission may be applied.

(15) A blank space measuring three inches (3") square shall be left along the lower edge of the Plan, in order that the Berks County Recorder of Deeds may acknowledge receipt and recording of the Plan when it is presented.

(c) Existing Features. The following existing features shall be depicted on the Final Plan:

(1) Contour lines determined by acceptable surveying practices at vertical intervals of at least two feet (2') for land with average natural slope of four percent (4%) or less, and at intervals of at least five feet (5') for land with average natural slope exceeding four percent (4%).

(2) Location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known established bench mark.

(3) All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, rights-of-way widths, cartway (pavement) widths, and approximate road grades.

(4) All existing buildings or other structures located within the proposed development.

(5) All existing man-made features within the proposed development and within fifty feet (50') of the proposed development. This may include. but not be limited to, sanitary sewer facilities, on-lot sewage facilities, water supply facilities, wells, fire hydrants, utility transmission lines, storm water management facilities, culverts, bridges and railroad lines. Where applicable, the size, type, material and invert elevations shall also be identified on the Plan.

(6) All existing natural features within the proposed development and within fifty feet (50') of the proposed development. This may include, but not be limited to, water courses, flood plain areas, natural drainage patterns, soil types and descriptions, delineated wetlands, hydric soils, high water table soils, tree masses, steep slopes, sinkholes and rock out-crops.

(7) The location, size and ownership of all existing utilities and utility rights-of-way within the proposed development. A statement of any conditions governing their ownership and use shall be included on the Plan.

(8) The precise location, dimensions and ownership of all access rights-of-way or easements within the proposed development. A statement of any conditions governing their ownership and use shall be included on the Plan.

(d) Proposed Layout. The following design information shall be identified on the Final Plan:

(1) Location, dimensions, and functional classification of all proposed streets and rights-of-way, with a statement of any conditions governing their ownership and use.

(2) Suggested street names.

(3) Location and dimensions of all proposed easements and rights-of-way, with a statement of any conditions governing their ownership and use.

(4) Location, layout, dimensions and areas of all existing and proposed lots within the development. All dimensions, arc length and curve radii shall be shown and defined to the nearest one-hundredth (0.01) foot. Bearings or deflection angles at changes in direction of line as well as central angles of all curves shall be shown to the nearest fifteen (15) seconds.

(5) The minimum building setback lines for each lot within the development. This shall include the front, side, rear and reverse setbacks.

(6) A statement of the intended use of all lots and parcels within the development.

(7) Lot numbers and a statement of the total number of lots and parcels being developed. The residue parcel shall be included as a separate lot, not intended for development.

(8) The location and elevation of all existing and proposed street monuments.

(9) The location of all existing and proposed property markers.

(10) The location of proposed sanitary sewage facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(11) The location of proposed water supply facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(12) The location and arrangement of proposed storm water management facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.

(13) Parks, playgrounds and other areas dedicated or reserved for public use, with a statement of any conditions governing their ownership, operation, maintenance and use.

(14) Where on-lot sewage disposal is proposed, the location of the probe and percolation test sites shall be shown on the Plan. The results of such tests shall be submitted to the Township for review.

(e) Supplemental Information. The Final Plan shall be accompanied by the following supplementary data:

(1) Typical street cross-section drawing(s) for all proposed streets.

(2) Profiles along the centerline of each proposed street shown on the Final Plan. Such profiles shall show at least the following information, properly labeled:

(i) Existing (natural) and proposed finished grades along the centerline and at the right-of-way line for both sides of each proposed street.

(ii) The length of all vertical curves.

(iii) Existing and proposed storm sewer mains, manholes, inlets and culverts.

(iv) Existing and proposed sanitary sewer mains and manholes.

(v) All profiles shall show pipe crossings, storm sewers, sanitary sewers, water mains, and any other underground utility crossings.

(vi) Profiles shall extend to points of connection with existing lines.

(vii) Proposed water distribution system and all appurtenances (if applicable).

(3) The profile sheets shall be drawn at one of the following sets of scales:

One inch (1") equals ten feet (10') horizontal, and one inch (1") equals one foot (1') vertical; or

One inch (1") equals twenty feet (20') horizontal, and one inch (1") equals two feet (2') vertical; or

One inch (1") equals forty feet (40') horizontal, and one inch (1") equals four feet (4') vertical; or

One inch (1") equals fifty feet (50') horizontal, and one inch (1") equals five feet (5') vertical.

(4) A Storm Water Management Plan shall be prepared in accordance with Section 511 of this Chapter.

(5) A Sediment and Erosion Control Plan shall be prepared in accordance with Section 512 of this Chapter. The Sediment and Erosion Control Plan must be approved by the Berks County Conservation District prior to municipal approval.

(6) Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of this Chapter, the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation. All such designs shall be approved by the appropriate agency or authority prior to municipal approval.

(7) The Pennsylvania Department of Transportation shall review all Plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by the Pennsylvania Department of Transportation prior to Preliminary Plan approval. The Highway Occupancy Permit Number shall be noted on the Plan.

(8) All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required improvements has been included under Part 6 of this Chapter. If required, an improvements agreement shall be properly executed between the Township and the developer prior to municipal approval.

(9) All conditions and provisions pertaining to developer contributions has been included under Part 7 of this Chapter. All pertinent agreements shall be properly executed between the Township and the developer prior to municipal approval.

(10) When required, the Pennsylvania Department of Environmental Protection shall review the appropriate Planning Modules for Land Development. The appropriate Planning Modules must be approved by the Pennsylvania Department of Environmental Protection prior to municipal approval.

(11) The proposed Plan shall include a statement by the owner dedicating streets, public rights-of-way, and any other sites for public use. All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space, shall be acceptable to the Township.

(12) Schematic exterior architectural drawings of proposed townhouses, apartment buildings and non-residential buildings.

(13) A landscaping plan when required by and in accordance with Section 517.

(Ordinance 135, November 18, 1992, Section 403; as amended by Ordinance 208, January 18, 2005, Section 2; as further amended by Ordinance 217, September 6, 2005, Section 4; as further amended by Ordinance 235, April 17, 2007, Section 3)

Section 404. As-Built/Improvements Plan. Upon the completion of all improvements required under Part 5 (Design Standards and Required Improvements) of this Chapter, the applicant or developer shall supply the Township with a set of plans for the entire tract showing all lot lines as deeded and all surface improvements and subsurface improvements as actually constructed. The plans shall be prepared at the same scale as the approved Final Plan.

The As-Built/Improvements Plan shall contain the information and requirements specified under Section 805 (Appendix E) of this Chapter. The applicant/developer shall submit the As-Built/Improvements Plan to the Township for review and approval prior to the acceptance of any municipal improvements within the development. (Ordinance 135, November 18, 1992, Section 404; as amended by Ordinance 165, April 26, 1999, Section 3)

Part 5

Design Standards and Required Improvements

Section 501. Application and General Standards.

(a) The design standards and required improvements contained within this Part 5 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Township Planning Commission and the Board of Supervisors in reviewing all subdivision and land development plans.

(b) Whenever other Township regulations impose more restrictive standards, specifications and requirements than those contained herein, such other regulations shall prevail.

(c) Where, in the opinion of the Planning Commission, the literal application of these design standards and/or required improvements would, in certain cases, cause undue hardship and/or is clearly unreasonable, the Planning Commission may recommend such reasonable exceptions. All such exceptions shall be consistent with the purposes of this Chapter and the established goals, objectives and policies of the Township Comprehensive Plan and the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances). The Board of Supervisors shall have the power to grant such exceptions, as recommended by the Planning Commission, upon written request by the applicant.

(d) The design standards and required improvements identified within this Section of this Chapter may be modified by the Township in the case of plans for complete communities, neighborhood units or other large scale developments which, in the judgment of the Planning Commission, achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision or land development plan.

(e) Land subject to hazards of life, health or property, such as may arise from fire, floods, disease or other causes, shall not be subdivided or developed unless such hazards have been eliminated or unless the subdivision or land development plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

(f) Subdivision and land development plans shall give due recognition to the Township Comprehensive Plan and the Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) or to such parts thereof as may have been adopted pursuant to statute.

(g) The transportation system of a proposed subdivision or land development shall be planned and designed with consideration to nearby developments or neighborhoods in order to minimize traffic hazards and congestion.

(h) All proposed subdivisions and land developments shall be reviewed to assure that all such applications are consistent with the need to minimize flood damage. Adequate drainage facilities shall be provided to minimize or reduce exposure to flood hazards.

(i) Approval of Plans and the specifications provided within this Section shall be of equal force and effect. In the case of any discrepancy between the Plans and these specifications, the decision of

the Township or its authorized representative shall be final and conclusive as to which is preferred.

(j) All required improvements shall be installed by the developer in accordance with Part 5 and Part 6 of this Chapter and with Article V of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

(Ordinance 135, November 18, 1992, Section 501)

Section 502. Street Design.

(a) General Standards.

(1) The location, arrangement, extent, grade and width of all streets shall conform to the Township Comprehensive Plan and/or to all other "official transportation plans", or such parts thereof, as may have been adopted by the Township and/or the County.

(2) All proposed subdivisions or land developments shall have adequate access to the public street system of the Township.

(3) The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets, but in no case at less than the required minimum width identified under Subsection 502(b) of this Chapter.

(4) Where, in the opinion of the Planning Commission, it is desirable to provide for street access to an adjoining property, street stubs shall be extended to the boundary of such property. The street stub shall meet the width requirements for a cul-de-sac street. The developer of the tract shall properly grade the street stub and provide an eight inch (8") stone base. The street stub or right-of-way shall be granted as an easement to the Township.

(5) If required by the Planning Commission, new minor streets shall be designed and located to facilitate through traffic. In addition, the applicant shall give consideration to the extension and continuation of collector streets into and from adjoining properties.

(6) Where a proposed subdivision or land development is of sufficient size to warrant an interior circulation system, a clear hierarchy of streets shall be designed and established.

(7) Where subdivision abuts an existing street of improper width, grade or alignment, the Township Planning Commission may require the dedication of land sufficient to widen the existing street or correct the improper grade or alignment.

(8) Proposed streets shall be logically adjusted to the topographic conditions of the site so as to produce reasonable grades, proper drainage, sufficient erosion control and suitable building sites.

(9) Proposed streets shall be laid out to avoid environmentally sensitive areas such as flood plains, wetlands, sinkholes and steep slopes.

(10) Where possible, proposed streets should be oriented in a general east-west direction to provide the opportunity for solar utilization and to maximize south facing slopes.

(11) Whenever a tract to be subdivided or developed encroaches upon the legal right-of-way of a state highway, a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation shall be required.

(12) Whenever a tract to be subdivided or developed abuts or contains an arterial or a major collector street, the Township Planning Commission may require restriction of access to the street by one or more of the following methods:

(i) Provision of reverse frontage lots; or

(ii) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or major collector streets; or

(iii) Provision of marginal access streets, provided that the reverse strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Township under an executed agreement meeting the approval of the Township; or

(iv) Provision of an internal street system on which the proposed lots would have proper frontage and access; or

(v) The restriction of ingress and egress involving left-hand turns onto or off of the arterial or major collector street.

(13) Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of these regulations and are constructed to Township specifications.

(14) Dead-end streets are prohibited, unless designed and constructed as cul-de-sac streets.

(15) New half or partial streets shall be prohibited.

(16) Whenever a tract to be subdivided or developed borders on an existing half or partial street, the other part of the street shall be platted within such tract.

(17) Service streets (alleys) are prohibited in developments containing single-family dwelling units, except where required to avoid direct access onto an arterial street.

(18) Service streets (alleys) may be permitted in developments containing multi-family dwelling units (townhouses and apartments) and non-residential land uses, provided that the service street is not the primary access point to the development. Where permitted, the service street shall have a minimum paved width of twenty-four feet (24').

(19) The developer of any residential land development or subdivision involving fifteen (15) or more dwelling units shall contact the Daniel Boone Area School District prior to Preliminary Plan approval to establish an acceptable, safe and convenient location for a school bus stop.

(20) Residential developments containing twenty (20) or more dwelling units shall provide and design an internal street system with a minimum of two (2) separate points for ingress and egress. The proposed points of ingress and egress shall be designed to meet

the standards which are specified for street intersections (Subsection 502(f)) of this Chapter.

(21) Residential developments containing fifty (50) or more dwelling units shall provide a minimum of one (1) internal street designed as a collector street. The proposed street which is to be designed as a collector street shall be subject to the approval by the Township.

(22) The Township may require non-residential developments to provide and design an internal collector street system with two (2) separate points for ingress and egress.

(23) The Township may require restriction of access to a public street by one or more of the following methods:

(i) Provision of reverse frontage lots; or

(ii) Provision of service or marginal access streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or major collector streets; or

(iii) Provision of service or marginal access streets, provided that the reverse strips establishing such marginal access streets shall be definitely placed under an executed agreement meeting the approval of the Township, in a manner enforceable by or subject to Township control; or

(iv) Provision of an internal street system on which the proposed lots would have proper frontage and access; or

(v) The restriction of ingress and egress involving lefthand turns onto or off of an arterial or collector street.

(b) Street Widths.

(1) Minimum street rights-of-way and cartway widths shall conform to the Township Comprehensive Plan and/or to all other "official transportation plans", or such parts thereof, as may have been adopted by the Township, the County and/or the State. If not shown on such plans, the required right-of-way and cartway widths shall be as follows:

Street Type	Required Widths Right-Of-Way	Cartway
Minor Street	50 Feet	33 Feet
Collector Street	60 Feet	36 Feet
Arterial Street	100 Feet	*
Cul-de-Sac Street	50 Feet	33 Feet
Marginal Access Street	50 Feet	33 Feet

* As required by the Pennsylvania Department of Transportation or the County of Berks.

(2) Additional right-of-way and cartway widths may be required by the Board of Supervisors or the Planning Commission for the purpose of promoting the public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high density residential development.

(3) Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width and/or cartway width, additional right-of-way and/or cartway width shall be dedicated and/or constructed to conform with the standards of this Chapter.

(4) Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, the Planning Commission may require additional right-of-way width or cartway width in order to improve public safety.

(c) Street Grades.

(1) There shall be a minimum center line grade of one percent (1%).

(2) Center line grades shall not exceed the following:

Street Type	Maximum Grade
Minor Street	10 Percent
Collector Street	8 Percent
Arterial Street	6 Percent
Cul-de-Sac Street	10 Percent
Marginal Access Street	10 Percent

(3) All approaches to an intersection shall have a leveling area not exceeding five percent (5%) in grade for a distance of one hundred feet (100'), as measured from the centerline of the intersecting street.

(d) Horizontal Curves

(1) Whenever street lines are deflected in excess of two degrees (2°), connection shall be made by horizontal curves.

(2) To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

Minor Street	150 Feet
Collector Street	300 Feet
Arterial Street	500 Feet

(3) A tangent of no less than one hundred feet (100'), as measured along the street centerline, shall be provided between all horizontal curves on all streets.

(4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

(e) Vertical Curves.

(1) At all changes in street grades where the algebraic difference in grade exceeds one percent (1%), vertical curves shall be provided to permit the following minimum sight distances:

Minor Streets	200 Feet
Collector Streets	300 Feet
Arterial Streets	400 Feet

(2) Additional sight distances may be required by the Township Engineer in order to overcome obstacles such as, but not

limited to, street grades, horizontal street alignment, functional speed limit, existing land uses and proposed land development.

(f) Intersections.

(1) The center lines of streets shall intersect at right angles unless existing conditions dictate otherwise. No street shall intersect another street at an angle of less than seventy-five degrees (75°).

(2) No more than two (2) streets shall intersect at the same point.

(3) Minor streets intersecting one another shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty feet (150') between center lines, measured along the center line of the street being intersected.

(4) Intersections with collector or arterial streets shall be located not less than one thousand feet (1,000') apart, measured from center line to center line, along the center line of the collector or arterial street.

(5) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

Twenty feet (20') for intersections involving only minor streets;

Thirty feet (30') for all intersections involving a collector street;

Forty feet (40') for all intersections involving an arterial street.

(6) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

(7) Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles and mailboxes, which impedes vision between a height of three feet (3') and then 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. Wherever 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.

(8) All proposed intersections shall have sufficient horizontal sight distance in order to provide a safe and convenient point of ingress and egress. Horizontal sight distances shall be measured in each direction from a point three and one-half feet (3.5') above the centerline of the road surface to a point three and one-half feet (3.5') above the centerline of the road surface. The minimum horizontal sight distances shall be based on the functional classification, speed limit and grade of the intersecting street, utilizing the latest standards of the American Association of State Highway and Transportation Officials (AASHTO).

(g) Cul-de-Sac Streets.

(1) Cul-de-sac streets may be permitted if the physical development conditions and/or the tract configuration of the site limits the design options for a "through street" or a "loop street".

(2) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(3) Any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

(4) Cul-de-sac streets, permanently designed as such shall not exceed one thousand feet (1,000') in length and shall not furnish access to more than twenty (20) dwelling units.

(5) Cul-de-sac streets, permanently designed as such shall have a minimum length of two hundred fifty feet (250') measured from the edge of the cartway of an intersecting street to the center of the bulb of the cul-de-sac.

(6) Unless future extension is impractical or undesirable, the turnaround right-of-way shall be extended to the adjacent tract with sufficient width provided along the boundary line to permit the extension of the street at full width. The cost for the transition improvements converting from temporary to permanent facilities within and adjacent to the cul-de-sac bulb shall be placed and retained in escrow until such transition is completed and/or constructed. These improvements include, but are not limited to, vertical curbs, sidewalks, drainage facilities, cartway alterations, grading, landscaping and other on-site improvements which are required to make the vertical and horizontal transition between properties.

(7) The center line grade on a cul-de-sac street shall not exceed ten percent (10%), and the grade of the diameter of the turnaround shall not exceed five percent (5%).

(8) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround, having a minimum radius of fifty feet (50'). The right-of-way shall have a minimum radius of sixty feet (60').

(9) The Governing Body, upon the recommendation of the Planning Commission and the Township Engineer, may permit acceptable alternative turn-around designs.

(10) Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or other means acceptable to the Township.

(Ordinance 135, November 18, 1992, Section 502; as amended by Ordinance 165, April 26, 1999; as further amended by Ordinance 214, July 5, 2005, Section 1)

Section 503. Street Construction and Improvement Standards.

(a) All proposed streets shall be graded, improved and surfaced to the grades and dimensions on the approved plans, profiles and cross-sections.

(b) All proposed streets shall be constructed in accordance with all applicable standards that are specified within this Chapter. A summary of the minimum street construction standards has been included as part of Section 803 (Appendix C) of this Chapter.

(c) Additional right-of-way and cartway widths, beyond what is required within this Chapter, may be required by the Planning Commission in order to control traffic patterns, to lessen traffic congestion, to facilitate the adequate provision for future community or transportation improvements, and/or when clearly in the interest of the public health, safety or general welfare.

(d) Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way shall be dedicated to conform to the standards of this Chapter. Where a subdivision or land development abuts or contains an existing street of inadequate cartway width, additional cartway width shall be constructed to conform with the standards of this Chapter.

(e) Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, the Planning Commission may require adjustments in order to improve public safety.

(f) The ultimate right-of-way of an existing or a proposed street shall be properly graded. Such grading shall be done to a maximum side slope of one foot (1') vertical to three feet (3') horizontal. All trees, stumps and other material deemed unsuitable by the Township Engineer shall be removed. All disturbed areas shall be suitably stabilized for sedimentation control. In no case shall the required grading extend onto an adjoining property, unless the adjoining property owner grants the applicant permission to do so.

(g) All storm drainage facilities located within the ultimate right-of-way shall be designed and constructed in accordance with Section 511 (Storm Water Management) and Section 512 (Sedimentation and Erosion Control) of this Chapter.

(h) Where required by the Planning Commission or the Pennsylvania Department of Transportation (PennDOT), guide rails shall be installed by the developer. All materials used shall be in strict conformance with the latest specifications of the Pennsylvania Department of Transportation.

(i) Section 505 of this Chapter includes additional requirements pertaining to traffic impact studies, fees and improvements. The cost of all required traffic studies and/or improvements shall be incurred by the developer.

(j) In the event an existing street is excavated for repair and/or improvement to storm water management facilities, sanitary sewer facilities, water supply facilities or any utility, the existing street shall be properly restored in accordance with the requirements specified under the Amity Township Street Cut Ordinance (see Chapter XXVI of the Township Code of Ordinances), as amended. These requirements include, but are not limited to, standard specifications for trenching, backfilling, compacting and paving restoration. Where the Amity Township Street Cut Ordinance (see Chapter XXVI of the Township Code of Ordinances) does not

apply, the Township Engineer shall require a restoration measure as specified under Township Ordinance 94-143 (see Chapter XXIII of the Township Code of Ordinances), as amended. If required by the Township, an escrow shall be established for the cost of the improvements and/or inspection fees.

(Ordinance 135, November 18, 1992, Section 503; as amended by Ordinance 165, April 26, 1999, Section 6)

Section 504. Street Names and Signs.

(a) All proposed street names shall be subject to the approval of the Township and the Postmaster having jurisdiction.

(b) Proposed streets which are obvious extensions of existing streets shall bear the same name as the existing street.

(c) In no case shall the name of a proposed street duplicate an existing street name in the Township and/or in the same postal district(s), irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court or lane.

(d) All street signs, including but not limited to traffic control signs, street signs and directional signs, shall be acquired and installed by the applicant. All signs must be high intensity grade signs fabricated by a PennDOT approved sign manufacturer. Where traffic control signs are required, the applicant shall furnish to the Township all studies, engineering reports and documentation for procuring approval by the Pennsylvania Department of Transportation.

(Ordinance 135, November 18, 1992, Section 504; as amended by Ordinance 165, April 26, 1999, Section 7; as amended by Ordinance 198, August 5, 2003, Section 1; as further amended by Ordinance 208, January 18, 2005, Section 3)

Section 505. Traffic Impact Analysis.

(a) Traffic Impact Studies.

(1) When a proposed subdivision or land development generates five hundred (500) or more trips per day, the applicant shall submit a traffic impact study to the Township for review and comment. The applicant shall utilize the transportation data and criteria that is specified within the Trip Generation Report (current edition, or as amended), published by the Institute of Transportation Engineers (ITE).

(2) The traffic impact study will enable the Township to assess the impact of a proposed development on the transportation system. The purpose of the study is to ensure that the proposed development does not adversely affect the transportation network and to identify any traffic problems associated with access from the site onto the exiting roads. The study shall also identity solutions to potential traffic problems and shall present improvements that are to be incorporated into the proposed development.

(3) The traffic impact study shall contain a complete description of the proposed internal and existing transportation system. The study shall describe the external roadway system within one-half (0.5) mile along the adjacent roadway in both directions from all access points or to a major intersection along these

roadways. Major intersections in the study area shall be identified and delineated. All future transportation improvements which are part of proposed roadway improvements, which are part of proposed surrounding developments shall be identified and included in the calculations.

(4) Existing traffic conditions shall be measured and documented for all roadways and intersections within the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hours(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included within the report. A volume-capacity and delay analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections within the study area. Levels of service shall be determined for each location.

(5) The analysis will determine the adequacy of the existing roadway system to serve the current and projected traffic demand. Roadways and/or intersections experiencing levels of Service D, E or F, as described in Highway Capacity Manual, Special Report 209, as amended, shall be noted as congested locations.

(6) Calculation of vehicular trips to result from the proposed development shall be completed for the average daily peak highway hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation Report (current edition or as amended), published by the Institute of Transportation Engineers (ITE). These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections through the study area.

(7) All anticipated turning movements shall be calculated. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Any characteristics of the site that will cause particular trip generation problems shall be noted.

(8) The total future traffic demand shall be calculated and included within the study. The total traffic demand shall consist of the combination of existing traffic expanded to the completion year, which is estimated to be five percent (5%) per year, the proposed use or development generated traffic, and the traffic generated by other proposed developments in the study area. A second volume/capacity and delay analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculation for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections within the study area. Volume-capacity and delay calculations shall be completed for all major intersections. The procedures described in the Highway Capacity Manual, Special Report 209, as amended, and as outlined in the PennDOT Design Manual, Volume 2, or as amended, shall be followed.

(9) The levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level

of service, D, E or F and volume/capacity ratios equal to or greater than 1.0 shall be considered deficient. The study shall conclude with a list of specific recommendations for the elimination of these traffic problems. This listing of recommended improvements shall include, but not be limited to, internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation (including timing), and transit design improvements. All physical roadway improvements shall be depicted within the study. Signal timing should be evaluated for any intersection with a level of service D, E or F, but a volume capacity ratio of less than 1.0. Warrants for signalization shall be examined for any unsignalized intersections with levels of service E or F.

(b) Required Impact Fees.

(1) Pursuant to the procedures and requirements of the Pennsylvania Impact Fee Law (Act 209 of 1990, as amended), the Board of Supervisors have prepared and enacted a Roadway Sufficiency Analysis and Capital Improvements Program through Township Ordinance No. 91-132, as amended (see Chapter XVI of the Township Code of Ordinances).

(2) The applicant shall consult the Township regarding impact fees which may be required as a result of the proposed subdivision or land development.

(3) If impact fees are required, the applicant shall comply with the established procedures specified within the Amity Township Impact Fee Ordinance, as amended (see Chapter XVI of the Township Code of Ordinances).

(c) Required On-Site Improvements.

(1) On-site traffic improvements may be required by the Township in order to control traffic patterns, to lessen traffic congestion, to facilitate the adequate provision for future community or transportation improvements, and/or when clearly in the interest of the public health, safety, or general welfare.

(2) On-site traffic improvements may include, but are not limited to, cartway widening, right-of-way dedication, shoulder stabilization, vertical or horizontal curve realignment, grading and/or traffic control devices.

(3) The applicant shall consult the Township regarding on-site traffic improvements which may be required as a result of the proposed subdivision or land development.

(4) The cost of all required traffic studies and/or improvements shall be incurred by the applicant.

(Ordinance 135, November 18, 1992, Section 505)

Section 506. Blocks, Lots and Parcels.

(a) Blocks.

(1) The length, width and shape of blocks shall be determined with due regard to zoning requirements, topographic conditions, environmentally sensitive lands, and requirements for safe and convenient vehicular and pedestrian circulation.

(2) Blocks shall have a maximum length of one thousand six hundred feet (1,600') and a minimum length of five hundred feet (500').

(3) In the design of blocks longer than one thousand feet (1,000') special consideration shall be given to the requirements of satisfactory fire protection.

(4) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are required along a major collector or arterial street, or where prevented by physical site conditions.

(5) Blocks in non-residential areas may vary from the design criteria indicated above if the applicant demonstrates that the alternative design is essential to the proposed development. In all cases, however, adequate provisions shall be made for off-street parking, loading areas and traffic circulation.

(b) Lots and Parcels.

(1) The size, shape and orientation of proposed lots shall be appropriate for the type of development and use contemplated.

(2) Lots shall conform to the applicable minimum lot sizes, lot widths and setback requirements as set forth in the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(3) Side lot lines shall be at right angles to street line tangents or radial to street line curves.

(4) The depth to width ratio of a residential lot shall not be less than one to one (1 to 1) or greater than three to one (3 to 1).

(5) The depth to width ratio of lots designated for non-residential land development shall be adequate for the land use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, buffer yards and landscaping.

(6) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

(7) Where feasible, lots shall be orientated and sited to take advantage of solar energy.

(8) Double or reverse frontage lots shall be avoided except as needed to avoid direct vehicular access onto an arterial or major collector street by individual driveways, or to overcome physical site conditions. All permitted residential reverse frontage lots shall have frontage onto a minor or minor collector street. The rear yard setback shall be established seventy-five feet (75') from the ultimate right-of-way line of the arterial or major collector street. Between the rear yard setback and the ultimate right-of-way line, a ten feet (10') wide low intensity buffer screen and easement shall be established in order to prohibit vehicular access onto the arterial or major collector street, all in accordance with Section 517 of this Chapter. The easement shall contain evergreen plantings meeting the standards of Section 517 of this Chapter.

(9) Lots which have double or reverse frontages shall provide a four feet (4') high vinyl rail fence to secure and buffer the lots from the adjacent street to which it has reverse frontage. The proposed location of the fence shall be located between the ultimate right-of-way and the seventy-five feet (75') rear yard setback. The fence shall be extended along the entire property line in which double or reverse frontage lots are proposed by the developer. The location and type of fence and landscaping materials to be utilized shall be subject to the approval of the Township.

(10) Lots which have double or reverse frontages may contain accessory buildings and/or structures within the rear yard provided they are in compliance with the setback requirements as measured from the seventy-five feet (75') rear yard setback or from the four feet (4') high fence as required under this Section. The type, location and placement of all such accessory buildings and/or structures shall be subject to the approval of the Township Zoning Officer.

(Ordinance 135, November 18, 1992, Section 506; as amended by Ordinance 165, April 26, 1999, Section 8; as further amended by Ordinance 217, September 6, 2005, Section 5)

Section 507. Curbs, Sidewalks and Pathways.

(a) Curbs.

(1) Vertical curbs shall be installed along both sides of all proposed streets, except where Zoning District regulations require the minimum lot width to be two hundred feet (200') or more.

(2) Where in the interest to control drainage or traffic patterns, the Planning Commission may require the developer to install vertical curbs along an existing or exterior street on which a residential subdivision or land development abuts.

(3) Vertical curbs shall be installed in common parking areas for multi-family developments and non-residential developments.

(4) Vertical curbs shall be constructed and installed by the developer in accordance with the standards specified under Section 804 (Appendix D) of this Chapter.

(5) Where vertical curbs are not required, a graded and stabilized shoulder of at least four feet (4') in width shall be provided on both sides of the street. The stabilized shoulder shall be designed and constructed in accordance with the standards specified under Section 804 (Appendix D) of this Chapter.

(6) Curb cuts for driveways and handicap ramps shall be located and installed in accordance with the standards specified under Section 804 (Appendix D) of this Chapter.

(7) Where required by the Township Engineer, a six inch (6") compacted stone base shall be provided under the vertical curb.

(b) Sidewalks and Pathways.

(1) Sidewalks shall be installed along both sides of the cartway in all proposed residential subdivisions and land developments when the gross residential density is greater than two (2) dwelling units per acre or when Zoning District regulations

permit the gross residential density to exceed two (2) dwelling units per acre.

(2) Sidewalks shall be installed along one side of the cartway in all proposed residential subdivisions and land developments when the gross residential density is greater than one (1) dwelling unit per acre but less than two (2) dwelling units per acre or when Zoning District regulations permit the gross residential density to exceed one (1) dwelling unit per acre.

(3) A concrete or macadam pedestrian pathway shall be installed along one side of the cartway in all proposed residential subdivisions (except where the lot width exceeds two hundred feet (200')) and land developments when the gross residential density is less than one (1) dwelling unit per acre or when Zoning District regulations do not permit the gross residential density to exceed one (1) dwelling unit per acre. The pedestrian pathway shall be at least three feet (3') in width.

(4) Where in the interest of public safety, the Planning Commission may require the developer to install sidewalks or a pedestrian pathway along an existing or exterior street on which a residential subdivision or land development abuts.

(5) Where in the interest of public safety, the Planning Commission may require the developer of a proposed non-residential development to install sidewalks or a pedestrian pathway along the interior and/or exterior streets of the development.

(6) Sidewalks shall be constructed and installed by the developer in accordance with the standards specified under Section 804 (Appendix D) of this Chapter.

(7) Crosswalks may be required whenever necessary to facilitate pedestrian circulation and to give access to community facilities.

(8) Handicap ramps shall be located and installed in accordance with the standards specified by the Americans with Disabilities Act, as amended, and under Section 804 (Appendix D) of this Chapter.

(Ordinance 135, November 18, 1992, Section 507; as amended by Ordinance 165, April 26, 1999, Sections 9-12)

Section 508. Monuments and Markers.

(a) Concrete monuments shall be accurately placed at the ultimate street right-of-way line for all property corners, at all other property corners, at each street intersection, at the beginning and end of all street curves, and at locations deemed necessary by the Township Engineer.

(b) All concrete monuments shall be 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") greater. All concrete monuments shall contain a copper or brass dowel (plug).

(c) All concrete monuments shall be placed in the ground after final grading is completed or at a time specified by the Township Engineer. The monuments shall be set on four inches (4") of stone and shall be flush with the surface of the ground.

(d) Markers shall consist of a metal reinforced pin at least thirty-six inches (36") in length and three-fourths inch (3/4") in diameter. All existing markers shall be encased in concrete with four inches (4") of the marker exposed on the surface and painted orange.

(e) All monuments and markers shall be accurately set by a registered professional engineer or land surveyor.

(Ordinance 135, November 18, 1992, Section 508)

Section 509. 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. 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.

(b) Driveways serving single-family residential dwelling units shall have a minimum width of ten feet (10') and a maximum width of thirty-six feet (36'). All such driveways shall not exceed fourteen percent (14%) in grade. Driveways exceeding seven percent (7%) in grade shall be paved.

(c) No residential property shall have more than one (1) vehicular access point to a public road. In order to reduce the number of curb cuts along a given road, the Planning Commission may permit adjoining or common driveways.

(d) Driveways serving multi-family residential dwelling units and non-residential developments shall have a minimum width of twelve feet (12') for one-way traffic and a minimum width of twenty-four feet (24') for two-way traffic. All such driveways shall not exceed ten percent (10%) in grade and shall be paved.

(e) For all driveways, the area between the edge of the cartway and the ultimate right-of-way line shall not exceed five percent (5%) in grade and shall be paved.

(f) All driveways shall be located, designed and constructed as to provide optimum sight distance at their intersection with the street.

(g) Clear sight triangles shall be provided at all proposed driveway intersections. The minimum distance of such triangles shall be fifty feet (50') measured in each direction from the point of the intersection of the center lines and from a point twenty feet (20') behind the edge of the cartway of the intersecting street. Within such triangles, no vision-obstructing object shall be permitted which exceeds a height of thirty inches (30") above the elevation of the intersecting streets.

(h) All proposed driveway intersections shall have sufficient horizontal sight distance in order to provide a safe and convenient point of ingress and egress. 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 three and one-half feet (3.5') above the center line of the road surface. The minimum horizontal sight distances shall be based on the functional classification, speed limit and grade of the intersection street, utilizing the latest standards of the Commonwealth of Pennsylvania, Pennsylvania Code 67 Transportation, Chapter 441, as amended.

(i) Driveway entrances shall intersect streets at right angles unless the existing conditions of the site dictate otherwise. No driveway shall intersect a street at an angle less than seventy-five degrees (75°).

(j) Driveways shall not be located within fifty feet (50') from the point of intersection of the nearest street right-of-way lines.

(k) In order to provide a safe and convenient point of ingress and egress, driveway entrances should be rounded with a minimum radius of five feet (5').

(l) All proposed driveways and related improvements shall be located, designed and constructed in order to control storm water run-off, prevent sedimentation of public roads, maintain the structural stability of public roads, maintain the existing drainage patterns of the area and prevent undue traffic hazards.

(m) The intersection of all proposed driveways with the cartway edge shall be designed and constructed by use of either a drainage swale or pipe, as determined by the Township Engineer. If a drainage swale is to be utilized, it shall slope from the cartway at a minimum grade of five percent (5%) for a minimum of eight feet (8') from the cartway edge. If a drainage pipe is to be utilized, the size of the pipe shall be determined by drainage computations using a ten (10) year storm frequency. All drainage pipes shall have a minimum diameter of fifteen inches (15").

(n) If required by the Planning Commission, the developer shall prepare a typical cross-section for each driveway located within the subdivision or land development. The profiles should demonstrate how problems associated with slope and drainage are to be overcome.

(o) The Pennsylvania Department of Transportation shall review all Plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by the Pennsylvania Department of Transportation prior to Preliminary Plan approval. The Highway Occupancy Permit number shall be noted on the Plan.

(p) A Township Occupancy Permit is required when access is proposed onto a Township road or when encroachment is proposed within a Township right-of-way.

(q) All driveways shall be maintained by the property owner in such a manner so as not to interfere with the functional design and location of the driveway.

(r) Section 925 of the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) provides additional standards and specifications for proposed driveways.

(s) All driveways serving single family residential homes or single family semi-detached dwellings or townhouses must be contained within the four (4) corners of the lot for the residence that it is serving. At no time may a driveway cross over, traverse or encroach upon another lot for purposes of servicing the residential dwelling to which it is attached.

(Ordinance 135, November 18, 1992, Section 509; as amended by Ordinance 235, April 17, 2007, Section 4)

Section 510. Off-Street Parking and Loading Areas.

(a) All proposed off-street parking and loading areas shall be located, designed and constructed so as not to create a drainage or sedimentation problem on an adjacent property or street.

(b) Parking areas accommodating fifty (50) vehicles or more shall be designed with an internal collector road which shall access no parking space directly, but shall shuttle vehicular traffic from the parking lot aisles to the public road.

(c) Where required by the Planning Commission, parking areas shall be designed to include a pedestrian circulation system to enhance safety and minimize conflicts between pedestrians and vehicles.

(d) Parking areas shall be designed such that parked vehicles shall not interfere with pedestrian and emergency access to the buildings.

(e) Developments containing dead-end parking areas shall provide adequate areas into which emergency vehicles (fire and ambulance) can safely maneuver. It shall be the developers responsibility to contact the regional fire company and ambulance association to determine if the proposed design presents an emergency access problem. The developer shall provide a letter of endorsement prior to municipal approval.

(f) If required by the Township and/or Pennsylvania Department of Transportation, the interconnection of parking areas of adjoining properties may be required for access management.

(g) Section 923 of the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) provides additional standards and specifications for off-street loading areas.

(h) Section 924 of the Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances) provides additional standards and specifications for off-street parking facilities.

(i) In addition to the requirements specified under this Section, the following design standards shall apply to off-street parking areas in which the number of required spaces exceeds ten (10):

(1) Landscape standards for off-street parking and loading areas are contained at Section 517 of this Chapter.

(2) The edge of the parking area shall not be located closer than fifteen feet (15') to the outside of the nearest building. This area shall be reserved to be utilized for sidewalks and foundation plantings.

(3) Concrete tire bumpers shall be installed so as to prevent vehicle overhang on any sidewalk area and/or planting strip.

(4) The location and number of handicap spaces shall be provided as required by federal, state or local law. All proposed handicap ramps shall be located and installed in accordance with the standards specified by the Americans with Disabilities Act, as amended, and under Section 804 (Appendix D) of this Chapter.

(Ordinance 135, November 18, 1992, Section 510; as amended by Ordinance 165, April 26, 1999, Section 13; as further amended by Ordinance 217, September 6, 2005, Section 6)

Section 511. Stormwater Management. See Chapter XXV entitled "Stormwater Management of the Township of Amity Code of Ordinances. (Ordinance 135, November 18, 1992, Section 511; as amended by Ordinance 165, April 26, 1999, Sections 14-18; as further amended by Ordinance 189, June 3, 2002, Section 1; as further amended by Ordinance 198, August 5, 2003, Section 2; as further amended by Ordinance 214, July 5, 2005, Section 2)

Section 512. Sedimentation and Erosion Control.

(a) General Provisions and Compliance.

(1) No changes shall be made to the contour of the land, and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time as a plan for minimizing erosion and sedimentation has been processed and reviewed by the Planning Commission, the Berks County Conservation District and the Board of Supervisors.

(2) Approval of the Board of Supervisors of all preliminary and/or final plans of subdivision and land development does not relieve the developer's obligation to execute the erosion and sediment control measures as contained in this Chapter.

(3) When required, final approval of plans and specifications by the County Conservation District for the control of erosion and sedimentation shall be concurrent with the approval of subdivision or land development, and become a part thereof. Final plans for minimizing erosion and sedimentation as approved will be incorporated in the agreement and development escrow requirements as required by the Township.

(4) At the time a building permit is applied for, a review shall be conducted by the Township Engineer to insure conformance with the plan as approved. During construction, further consultative technical assistance will be furnished, if necessary, by the Berks County Conservation District. During the development phase, the Township Engineer, the Township Code Enforcement Officer and/or the Soil Conservation Service representative shall inspect the development site and enforce compliance with the approved erosion and sediment control plans.

(5) 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.

(b) General Performance Standards.

(1) Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Berks County Conservation District. In cases where the Berks County Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications may be used as approved by the Township Engineer.

(2) The following measures to minimize erosion and sedimentation shall be included where applicable in the control plan:

(i) Stripping of vegetation, regrading or other development shall be done in a way that will minimize erosion.

(ii) Development plans shall preserve salient natural features, keep cut and fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately control volume and velocity of surface water runoff.

(iii) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(iv) The disturbed areas and the duration of exposure shall be kept to a practical minimum, but shall not exceed twenty (20) days. Areas disturbed between October 15 and April 15 shall be stabilized by placement of sod or other means acceptable to the Township.

(v) Temporary vegetation and/or mulching shall be used to protect all exposed areas during development.

(vi) The permanent (final) vegetation and mechanical erosion control and drainage system shall be installed as soon as practical in the development.

(vii) Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development within the site. Where necessary, the rate of surface water runoff shall be mechanically retarded.

(viii) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(c) Site Grading for Erosion Control. In order to provide more suitable sites for building and other uses, improve surface drainage and control erosion, the following requirements identified below shall be met.

(1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where ponding (detention basins, etc.) is part of the storm water management plan for the site.

(2) Concentration of surface water runoff shall be permitted only in swales, watercourses or detention basins. Subject to the approval of the Township Engineer, swales shall be sodded, utilize jute matting, or other similar measures to insure establishment of ground cover.

(3) Grading shall in no case be done in such a way as to increase storm water runoff onto the property of another landowner.

(4) During grading operations, necessary measures for dust control must be exercised.

(5) Grading equipment will not be allowed to cross streams. Provisions shall be made for the installation of temporary culverts and bridges.

(6) Tire cleaning areas at least one hundred feet (100') in length shall be provided and maintained at each point of access to the development site. The tires of all vehicles leaving the site

shall be properly cleaned before entering onto any road within the Township.

(d) Excavation and Fills.

(1) No excavations shall be made with a cut face or side slope steeper than three (3) horizontal to one (1) vertical, except under one or both of the following conditions:

(i) The material in which excavation is made is sufficiently stable to sustain a slope of steeper than three (3) horizontal to one (1) vertical. A written statement to that effect from an engineer licensed by the Commonwealth of Pennsylvania and experienced in erosion control shall be submitted to the Township Engineer for review and approval. The statement shall affirm that the site has been inspected and the deviation from the slope will not result in injury to persons or damage to property.

(ii) A concrete, masonry or other approved retaining wall constructed in accordance with appropriate standards is provided to support the face of the excavation.

(2) Edges of slopes shall be a minimum of five feet (5') from property lines or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property.

(3) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.

(4) Cut and fill shall not endanger adjoining property.

(5) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

(6) Fills shall not encroach on natural watercourses or constructed channels.

(7) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

(e) Maintenance Responsibility.

(1) Whenever sedimentation is caused by stripping of vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all affected surfaces, drainage systems and watercourses on and off site, and to repair any damage at his expense as quickly as possible.

(2) Maintenance of all drainage facilities and all watercourses, both existing and proposed, within any proposed subdivision or land development shall be the responsibility of the developer until such time as one of the following is accomplished:

(i) An easement for these facilities is offered for dedication by the developer and is accepted by the Township; it shall then be the responsibility of the owner.

(ii) If an easement acceptable to the Township is established, but not dedicated to the Township, the maintenance shall then be the responsibility of the individual lot owners over whose property the easement passes. For land developments, the maintenance shall be the responsibility of the owner.

(iii) A homeowners' association or other approved legal entity, approved by the Township, assumes the responsibility for the maintenance of the development, including the maintenance of the watercourses and/or drainage facilities.

(3) It is the responsibility of any person(s), corporation or other entity doing any work on or across a stream, watercourse or swale, or upon the flood plain or right-of-way during the period of work, to return it to its original or equal condition after such activity is completed.

(4) No person, corporation or other such entity shall block, impede the flow of, alter and/or perform any work which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Township and/or the Department of Environmental Protection, whichever is applicable.

(5) Each person, corporation or other entity which makes any surface changes shall be required to:

(i) Collect on-site surface runoff and control it to a point of discharge into the natural watercourse of the drainage area.

(ii) Control existing off-site runoff through his development by designing it to adequately control all upstream runoff.

(iii) Provide and install at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) as required by the approved erosion and sediment control plan.

(Ordinance 135, November 18, 1992, Section 512)

Section 513. Easements and Rights-of-Way.

(a) Where easements or rights-of-way are required to accommodate utility installations, such easements shall have a minimum width of twenty feet (20'). New utility easements and rights-of-way shall be located only upon consultation with the appropriate utility company.

(b) Where feasible, easements and rights-of-way shall be centered or adjacent to rear or side lot lines. No structures, materials and/or trees shall be placed within such easements and rights-of-way.

(c) Where a proposed subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve the natural drainage channel and provide sufficient width for maintenance. Storm water management and drainage way easements shall be no less then twenty feet (20') in width, or as directed by the Township, the County of Berks and/or the Commonwealth of Pennsylvania. Stream and watercourse easements shall be no less than fifty feet (50') in width, or as directed

by the Township, the County of Berks and/or the Commonwealth of Pennsylvania.

(d) Right-of-way standards and installation procedures for natural gas and petroleum product transmission lines shall conform to all applicable federal and state regulations, including regulations governing the width of the right-of-way, location of pipeline within the right-of-way, the proposed depth of the pipeline, and the pipe wall thickness. There shall be a minimum distance of one hundred feet (100'), measured in the shortest distance, between any proposed or existing dwelling and any petroleum products or natural gas transmission line.

(e) Where feasible, sanitary sewer collection lines and water supply lines shall be located and installed within the right-of-way of a public street.

(f) All easements or rights-of-way shall be properly described by bearings and distances. The area occupied by any required easement or right-of-way shall not be calculated as part of the net lot area.

(g) No easement or right-of-way shall be created, recited and/or described in any deed unless the same has been shown on the approved plan of record.

(h) Any deed conveying a lot on a plan of record shall make reference to the plan and all easements and encumbrances referenced on the plan. A representative description expressing the references by which easements and encumbrances will appear on all affected deeds shall be presented to the Township Engineer and the Township Solicitor for their review and approval prior to action on the Final Plan.

(Ordinance 135, November 18, 1992, Section 513)

Section 514. Sanitary Sewage Disposal.

(a) General Standards.

(1) This Section along with all other pertinent plans, ordinances and/or resolutions adopted by the Township shall be construed as implementing the provisions of the Pennsylvania Sewage Facilities Act (Act No. 537) and the Clean Streams Law (Act No. 394), or both, as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania.

(2) All sewage disposal systems within the Township shall conform to the standards and requirements of the Pennsylvania Department of Environmental Protection. The installation of all sanitary sewage disposal systems shall be the responsibility of the developer.

(3) The developer shall provide the most desirable method of sanitary sewage disposal. The selected method shall conform with the existing physical site conditions.

(4) Approval of plans and the specifications provided within this Section shall be of equal force and effect. In the case of any discrepancy between the plans and these specifications, the decision of the Township or its authorized representative shall be final and conclusive as to which is preferred.

Part 6

Contracts, Fees and Contributions

Section 601. Improvement Guarantees and Contracts.

(a) Completion of Improvements or Guarantees.

(1) No subdivision or land development plan shall be granted final approval unless the streets, curbs, gutters, sidewalks, walkways, street lights, water mains, sanitary sewers, fire hydrants, storm sewers, storm water detention and/or retention basins, other related drainage facilities, shade trees, buffer or screen plantings, recreational facilities, open space improvements and other infrastructure improvements as required by this Chapter, have been provided and installed in accordance with this Chapter.

(2) In lieu of the completion of any improvements which may be required as a condition for the final approval of the subdivision or land development plan, including improvements and fees required by this Chapter, the applicant shall deposit with the Township an amount as hereinafter calculated to cover the costs of such required improvements or common amenities, including but not limited to streets, curbs, gutters, walkways, street lights, water mains, sanitary sewers, fire hydrants, storm sewers, storm water detention and/or retention basins, other related drainage facilities, shade trees, buffer or screen plantings, recreational facilities, open space improvements and other required improvements.

(3) A note shall be provided on all Plans indicating that all improvements shall be located, designed, installed and/or constructed in accordance with all standards specified by the Township. The note shall also stipulate that all improvements shall be reviewed, inspected and approved by the Township Engineer prior to the issuance of any building permits and/or release of funds from escrow.

(b) Certification of Approval.

(1) When requested by the applicant to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining satisfactory financial security and executing a development agreement.

(2) The Final Plan shall not be signed nor recorded until the financial security is tendered and a development agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security is not tendered and the development agreement is not executed within ninety (90) days of the date of the resolution or contingent approval. The Board of Supervisors may, at its discretion, grant a written extension which shall be placed in writing at the request of the applicant.

(c) Acceptable Security. In addition to cash deposits and escrow accounts, Federal or Commonwealth chartered lending institution irrevocable letters of credit extending for a term of one (1) year beyond completion of all improvements and restrictive or escrow accounts in such lending institution shall be deemed acceptable financial security for the purposes of securing the completion of the required improvements. Such

proposed.

(iv) When requested by the Board of Supervisors, the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.

(v) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.

(g) Post Installation Inspection.

(1) The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Township.

(h) Compliance Monitoring.

(1) Safety Hazards

(i) If Township judges a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.

(ii) If appropriate corrective action has not been effected within thirty (30) days of notification, the Township may levy a fine for as long as the hazard continues to exist.

(2) Nuisance Glare and Inadequate Illumination Levels

(i) When the Township judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Chapter, the Township may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

(ii) If the infraction so warrants, the Township may act to have the problem corrected as in (g)(1) above.

(i) Street Lighting Dedication.

(1) When street lighting is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.

(2) Prior to dedication and in the event of the formation of a homeowner's association and/or property management declaration, the Township shall require said agency to enter into an agreement guaranteeing payment of all costs associated with dedicated street lighting.

(Ordinance 198, August 2, 2003, Section 3)

at the property line.

(v) Fixtures meeting IESNA "full cutoff" criteria shall not be mounted in excess of twenty feet (20') above grade. Fixtures not meeting IESNA "full cutoff" criteria shall not be mounted in excess of sixteen feet (16') above grade except as specifically approved by the Board of Supervisors.

(vi) Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11 p.m. and dawn.

(6) Installation

(i) Electrical feeds for lighting standards shall be run underground, not overhead.

(ii) Lighting standards in parking areas shall be placed a minimum of five feet (5') outside paved area, or on concrete foundations at least thirty inches (30") high above the pavement, or suitably protected by other approved means.

(7) Maintenance

(i) Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Chapter.

(e) Residential Development Street Lighting.

(1) Street lights shall be provided at all street intersections within a proposed subdivision or land development. The Township may require additional street lights in order to provide safe and convenient vehicular and/or pedestrian circulation.

(1) Electrical installations for all street lights shall be in accord with prevailing regulations and specifications established by GPU Energy, or its successors or wholly owned subsidiaries. It shall be the responsibility of the contractor or his agent to have final construction inspected by an electrical inspection agency and a written report attesting this fact submitted to GPU Energy, or its successors or wholly owned subsidiaries, thereby allowing the utility to provide pole illumination.

(f) Plan Submission.

(1) Lighting plans shall be submitted to the municipality for review and approval and shall include:

(i) Layout of the proposed fixture locations.

(ii) Isofootcandle plots for individual fixture installations and ten by ten (10 x 10) foot illuminance-grid plots for multi-fixture installations, that demonstrate compliance with the intensities and uniformities set forth in the Ordinance.

(iii) Description of the equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, control devices, mounting heights and mounting methods

Notes:

- Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.

    - Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. E.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4].

(d) Lighting Fixture Design.

(1) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Board of Supervisors

(2) For lighting horizontal tasks such as roadways, pathways and parking areas, fixtures shall meet IESNA "full cutoff" criteria (not have more than two and one-half percent (2.5%) of their light output emitted above ninety degrees (90°) at any lateral angle around the fixture). In the case of public street lights, full cutoff fixtures shall be utilized if available from the applicable utility company.

(3) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and other fixtures not meeting IESNA "full cutoff" criteria shall be permitted only with the approval of the Board of Supervisors, based upon acceptable glare control.

(4) Fixtures shall be equipped with or be capable of being back-fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

(5) Control of Nuisance and Disabling Glare

(i) All outdoor lighting required by this ordinance; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, i.e., disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, i.e., nuisance glare.

(ii) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.

(iii) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(iv) The intensity of illumination projected onto any property from another property shall not exceed 0.1 vertical footcandle, measured at thirty inches (30") above the ground

(1) Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse; including but not limited to the following: residential developments, commercial, industrial, public-recreational, and institutional uses.

(2) The Board of Supervisors may require lighting be incorporated for other uses or locations, as they deem necessary.

(3) The glare-control requirements herein contained apply to lighting in all above mentioned uses as well as, but not limited to architectural, landscaping, and residential lighting.

(c) Criteria.

(1) Illumination Levels

(i) Lighting, where required by the Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North American (IESNA) as contained in the IESNA Lighting Handbook.

(ii) Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Township.

(iii) Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are presented below.

	Use/Task	Maintained Footcandles	Uniformity Ave: Min
(iv)	Parking, residential, multi-family		
	- Low vehicular/pedestrian activity	0.2	Min. 4:1
	- Medium vehicular/pedestrian activity	0.6	Min.4:1
(v)	Parking industrial/commercial/ institutional/municipal		
	- High activity, e.g., regional Shopping centers/fast food facilities, major athletic/ civic/ cultural recreational events	0.9	Min.4:1
	- Medium activity, e.g.,community shopping centers, office parks, hospitals, commuter lots, cultural/civic/ recreational events	0.6	Min.4:1
	- Low activity, e.g., neighborhood shopping industrial employee parking, schools, church parking	0.2	Min. 4:1
(vi)	Walkways and bikeway	0.5	Avg.5:1
(vii)	Building entrances	5.0	Avg.---

constitutes the basis of calculating the fee in lieu of dedication required by this Chapter.

(f) Decision of Land Dedication vs. Fees in Lieu of Land Dedication.

(1) The Board of Supervisors shall determine whether land dedication or fees in lieu of land dedication shall be required. Such decision shall be made as early in the plan review process as possible but not later than concurrent with the preliminary plan approval.

(2) The Board of Supervisors shall, in reaching its decision, consider the following factors, in addition to any other factors that may be applicable to a particular plan:

(i) If the land in that location serves a valid public purpose.

(ii) If there is a need to make a reasonable addition to an existing park or recreation area.

(iii) If the land meets the objectives and requirements of this section.

(iv) If the area surrounding the proposed development has sufficient existing parks, recreation areas or facilities, or open space, and if pedestrians or bicycles can safely reach these areas.

(v) Any relevant policies of the Township regarding parks, recreation areas and facilities, and open space, including those within the Township Comprehensive Plan and the Township Park and Recreation Plan.

(vi) Any recommendations regarding such land that has been received from the Township and/or the County Planning Commission, the Township Parks and Recreation Board, the Township Engineer and/or the Daniel Boone School District.

(Ordinance 135, November 18, 1992, Section 518.2; as amended by Ordinance 153, June 3, 1996, Sections 1-5)

Section 520. Lighting Requirements and Design Standards.

(a) Purpose.

(1) To require and set minimum standards for outdoor lighting to:

(i) Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.

(ii) Protect drivers and pedestrian from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.

(iii) Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.

(b) Applicability.

the dedicated area shall be attached. Subject to the submission of documentation to the Board of Supervisors for its approval, a fee simple warranty deed conveying the property shall be delivered to the Township with title free and clear of all liens, encumbrances and conditions, other than public utility easements.

(d) Standards for Fees in Lieu of Land Dedication.

(1) Subject to the discretion of the Board of Supervisors, payment of a fee in lieu of land dedication shall be required (i) where land dedication would result in open space or recreation areas too small to be usable, (ii) if the Township Comprehensive Plan or the Township Parks and Recreation Plan recommends recreation land be provided elsewhere, or (iii) if a suitable site for recreation cannot be located within the development.

(2) The applicant shall tender to the Township prior to or concurrent with final plan approval a fee in lieu of dedication calculated in an amount equal to Forty-Five Thousand Dollars ($45,000.00) per acre, or in proportionate rate for any portion thereof, as hereinbefore required to be dedicated with regard to each such subdivision or land development.

(3) All fees paid in lieu of land dedication shall be used only for (i) the acquisition of land for parks, recreation areas and facilities, and open space, (ii) the construction of improvements on such land, and (iii) costs incidental to such purposes, including but not limited to planning, engineering, design, administrative and legal fees, utility relocation or installation, construction of sewage or water facilities, vehicular and pedestrian access, signage and the purchase of park equipment.

(4) All fees paid to the Township shall be deposited in a separate interest-bearing account established for such fees, the records for which shall clearly identify the specific recreational facilities for which such fees have been received. Interest earned on such fees shall become funds of that account and be subject to distribution or expenditure for any and all costs and expenses as hereinbefore identified. Funds from such accounts shall be expended only in properly allocable portions of the costs incurred to acquire, construct or improve the specific recreation facilities for which the funds were collected.

(5) If the Township fails to use the collected fees in accordance with this section within three (3) years of the date such fees were paid, the applicant may submit a written request, on such forms as are established by the Township, for the refund of such fees, plus interest that accumulated thereon from the date of fee payment, which request shall be reviewed and acted upon by the Board of Supervisors within forty-five (45) days of the date of receipt.

(e) Combination of Land Dedication and Fees in Lieu of Land Dedication.

(1) The Township may accept a combination of land dedication and fees in lieu of land in order to meet the requirements and standards of the Township Park and Recreation Plan. Such combination shall be subject to the review and approval of the Board of Supervisors.

(2) The resulting combination of land and fees shall not exceed the total acreage to be developed or the acreage which

(3) Consideration shall be given to preserving natural features, including rocks and rock outcrops, large trees and tree stands, watercourses, historic structures and areas, and other community assets that would enhance the value and aesthetic qualities of the development.

(4) The land shall be easily and safely accessible from all residential or occupied areas within the development or the general area to be served, and it shall have road frontage or, subject to the discretion of the Board of Supervisors, suitable access, ingress and egress from a public roadway for maintenance purposes.

(5) The land shall be contiguous and regular in shape, where possible and practical.

(6) The Board of Supervisors may, at its discretion, require that land to be dedicated be located along a property boundary so that such land may be combined with dedicated land or other recreation areas that are or will be adjacent to the land to be dedicated.

(7) The land shall be located on soils suitable for use and development as a recreation area.

(8) No more than twenty-five percent (25%) of the land shall have a slope in excess of seven percent (7%).

(9) No more than twenty-five percent (25%) of the land shall be within floodplain, hydric soil overlay or wetland areas.

(10) The land shall be easily accessible to all necessary utilities.

(11) The land shall be designed and developed for its intended park or recreation use in accordance with the recommendations for such as contained in the National Recreation and Park Association's Recreation Park and Open Space Standards and Guidelines, 1983, as amended.

(12) A minimum of thirty-eight thousandths (0.038) acre of land shall be offered for dedication for each residential lot, dwelling unit or combination thereof, excluding only those subdivisions comprised of three (3) or less tracts or parcels of real estate for single-family detached residential development and which have not been the subject of prior subdivisions or land development submissions consisting in total of three (3) or less tracts or parcels of real estate, and a minimum of one hundredth (0.01) acre of land shall be offered for dedication for each one thousand (1,000) square feet of building, structure or improvement proposed for any nonresidential land development plan.

(13) No contiguous area of land shall be considered for dedication if it is less than one-half (0.5) acre, and in no event shall the area proposed for dedication be less than fifty feet (50') in width; and the Board of Supervisors shall have the discretion not to approve or accept any area of land if it determines that the contiguous area of the same is insufficient to adequately serve as or provide park and recreation area.

(14) When land is dedicated, acceptance by the Township shall be by means of a signed resolution and a signed deed of dedication executed by the property owner, to which a property description of

(b) General Provisions.

(1) All applicants, excepting only those seeking approval of a subdivision which would consist of three (3) or less single-family residential units, shall, concurrent with the submission of a final plan of subdivision or land development, offer for dedication a portion of the land being subdivided or developed, as hereinafter set forth, as public recreation area.

(2) Such public recreation area shall provide adequate open space and recreation land and facilities accessible to such subdivisions or developments.

(3) Such recreation area shall not be part of any lot, but it shall be dedicated to the Township or, in the sole discretion of the Board of Supervisors, to a public trust or association, which will perpetually maintain the property for the purposes intended for full access and use by the general public constituting the residents, constituents and invitees of the Township, the documentation for which shall be submitted to and be subject to the approval of the Board of Supervisors and, in the case of a public trust or association, if authorized in the sole discretion of the Board of Supervisors, shall provide that said real estate is to be used and occupied exclusively as park and recreation area, is not to be the subject of further subdivision or land development, that the document establishing title to the same shall contain language that said real estate is not subject to further subdivision or land development as a condition running with title to the land and that the public trust or association shall bear all responsibility for ownership and maintenance of said real estate and shall maintain the same in a manner open to the general public constituting the constituents, residents and invitees of the Township.

(4) All areas dedicated under the provisions of this Section shall be consistent with the specific goals, objectives, plans and recommendations of the Township Comprehensive Plan and the Township Parks and Recreation Plan and are to be in accordance with the definite principles and standards contained in this Chapter.

(5) In lieu of land dedicated for recreation purposes, a fee may be paid, as hereinafter set forth.

(6) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreation facilities by future residents, occupants, employees or visitors to the subdivisions or land developments.

(c) Standards for Land Dedication.

(1) Any land dedicated to the Township shall be used only for park, recreation or open space purposes and shall be available to all residents of the Township, subject to such regulations and rules as may be recommended by the Township Parks and Recreation Board and/or adopted by the Board of Supervisors.

(2) The land to be dedicated shall have size, dimensions, topography, access and general character suitable for its proposed recreational use, as determined by the Board of Supervisors, in conjunction with the Township Park and Recreation Board and the Township Planning Commission. Any land not suitable for active or passive recreation shall not be accepted as dedicated land; this includes areas within storm water basins that could not be used for recreation.

Typha latfolia[2]	Common cattail (native)
Veronica noveboracensis[1, 2]	New York iron weed(native)

NOTES:
[1] Suitable for usually well-drained areas that may be subject to occasional flooding.
[2] Suitable for permanently wet areas."

(Ordinance 135, November 18, 1992; as amended by Ordinance 217, September 6, 2005, Section 7; as further amended by Ordinance 235, April 17, 2007, Section 5)

Section 518. Community Facilities.

(a) During the review phase of a subdivision or land development plan, the Township will consider the adequacy of the existing or proposed community facilities to serve the proposed development.

(b) The developer shall give earnest consideration to the desirability of providing or reserving areas for community facilities normally required in residential neighborhoods, including educational facilities, utility services, emergency management facilities and recreational facilities.

(c) Areas provided or reserved for community facilities should be adequate to provide adequate land area for any proposed buildings and off-street parking. Such areas should be located in an area of the development which is accessible to the general public.

(Ordinance 135, November 18, 1992, Section 518.1)

Section 519. Recreation and Open Space.

(a) Park and Recreation Purposes. Pursuant to the procedures and requirements of the Pennsylvania Municipalities Planning Code (Act 247), as amended, the Board of Supervisors have prepared and enacted a Park and Recreation Plan. This particular Plan has been developed for the following purposes:

(1) To guide, control and regulate growth and development into the 21st century.

(2) To examine existing parks, recreational facilities and open space in light of current and projected demands.

(3) To establish the future need for parks, open space and recreation areas and facilities.

(4) To establish priorities for immediate and long-range acquisition, development and improvement of parks and recreation facilities.

(5) To analyze the administration and management of facilities and services to determine the level of efficiency and recommend improvements.

(6) To examine funding options in order to acquire, develop, construct and/or maintain recreation facilities and open space.

(7) To implement the established goals, objectives and policies identified within the Township Comprehensive Plan of 1990, as amended.

(7) Deciduous/Evergreen Shrubs: suitable for stormwater detention basins.

Scientific Name	Common Name
Aronia arbutifolia[2]	Red chokeberry(native)
Calycanthus floridus[1]	Sweetshrub
Cephalanthus occidentalis[2]	Buttonbush(native)
Clethra alnifolia[2]	Summersweet(native)
Cornus amomum[2]	Silky dogwood(native)
Cornus serica[2]	Red-stem dogwood(native)
Hamamelis virginiana[1]	Witch hazel(native)
Ilex glabra[2]	Inkberry(native)
Ilex verticillata[2]	Winterberry(native)
Lindera benzoin[1]	Spicebush(native)
Myrica cerifera[1]	Southern bayberry(native)
Myrica pennsylvanica[2]	Northern bayberry(native)
Rhododendron nudiflorum[2]	Pinxterbloom azalea(native)
Rhododendron viscosum[2]	Swamp azalea(native)
Sambucus canadensis[1]	Elderberry(native)
Viburnum dentatum[2]	Arrowwood(native)
Viburnum acerifolium	Maple Leaf Viburnum (native)
Viburnum lentago[1]	Nannyberry (native)
Viburnum trilobum[1]	American cranberry (native)

NOTES:
[1] Suitable for usually well-drained areas that may be subject to occasional flooding.
[2] Suitable for permanently wet areas.

(8) Herbaceous Perennials: suitable for stormwater detention basins.

Scientific Name	Common Name
Aster novae angliae[1]	New England aster(native)
Chrysanthemum lencanthemem[1]	Ox-eye daisy
Echinacea purpurea[1]	Purple cornflower
Eupatorium dubium[1, 2]	Joe-pye weed(native)
Eupatorium fistulosum[1, 2]	Hollow joe-pye weed (native)
Hibiscus moshentos[2]	Rose mallow (native)
Iris versicolor[2]	Blue flag (native)
Lobelia cardinalis[1, 2]	Cardinal flower (native)
Lobelia siphilitica[1, 2]	Blue lobelia (native)
Monarda didyma[1]	Bee balm (native)
Panicum virgatum[1, 2]	Switchgrass (native)
Pharlaris arundinaceae	Canary reed grass (native)
Rudbeckia sp.[1]	Black-eyed susan (native)
Scirpus acutus[2]	Hard stem bulrush (native)
Spartina alternifolia[2]	Cordgrass
Typha angustifolia[2]	Narrowleaf cattail (native)

Pyrus calleryana cv. redspire	Redspire pear
Sorbus aucuparia	European mountain ash
Styrax japonica	Japanese snowbell
Syringa amurensis japonica	Japanese tree lilac

(4) Evergreen Trees: suitable for high-intensity property line buffer screens (minimum mature height: twenty feet (20').

Scientific Name	Common Name
Chamaecyparis Sp.	
Ilex opaca	American holly (native)
Picea abies	Norway spruce
Picea pungens	Colorado spruce
Picea glauca	White spruce
Pinus strobus	White pine (native)
Pseudotsuga menziesee	Douglas fir
Taxus Sp.	

(5) Canopy Trees: suitable for stormwater detention basins.

Scientific Name	Common Name
Acer rubrum[2]	Red maple (native)
Acer saccrarinum[1]	Silver maple(native)
Betula nigra[1]	River birch(native)
Fraxinus americana[1]	White ash(native)
Ilex opaca[1]	American holly(native)
Liquidambar styraciflua[2]	Sweet gum(native)
Nyssa sylvatica[1]	Black gum(native)
Quercus phellos[1]	Willow oak(native)
Quercus bicolor[2]	Swamp white oak(native)
Quercus palustris[1]	Pin oak(native)
Taxodium distichum[2]	Bald cypress

NOTES:
[1]Suitable for usually well-drained areas that may be subject to occasional flooding.
[2]Suitable for permanently wet areas.

(6) Dedicuous Evergreen Ornamental Trees: suitable for stormwater detention basins.

Scientific Name	Common Name
Amelanchier canadensis[1]	Shadblow serviceberry (native)
Carpinus carolinia[1]	Ironwood(native)
Chionanthus virginicus[1]	Fringetree(native)
Magnolia virginiana[1]	Sweetbay(native)
Salix caprea[2]	Willow Sp.
Salix discolor[2]	Willow Sp. (native)

NOTES:
[1] Suitable for usually well-drained areas that may be subject to occasional flooding.
[2] Suitable for permanently wet areas.

Quercus borealis	North red oak (native)
Quercus coccinea	Scarlet oak (native)
Quercus imbricaria	Shingle oak (native)
Quercus palustris	Pin oak (native)
Quercus phellos	Willow oak (native)
Quercus prinus	Chestnut oak (native)
Quercus rubra	Red oak (native)
Robinia pseudoacacia	Black locust (native)
Sophora japonica	Japanese pagodatree
Tilia americana	American linden (native)
Tilia cordata	Littleleaf linden
Tilia tomentosa	Silver linden
Ulmus parvifolia	Chinese lacebark elm
Zelkova serrata	Japanese zelkova

(2) Shade or Canopy Trees: suitable for low-intensity property line buffer screens and nonvehicular use areas only (minimum mature height: thirty feet (30') or more).

Scientific Name	Common Name
Acer saccharum	Sugar maple (native)
Betula lenta	Sweet birch (native)
Betula nigra	River birch (native)
Carya ovata	Shagbark hickory (native)
Carya sp.	Hickory (native)
Fagus grandifolia	American beech (native)
Fraxinus americana	White ash (native)
Liriodendron tulipifera	Tuliptree (native)
Metasequoia glyptostroboides	Dawn redwood
Ostrya virginiana	Hop-hornbeam (native)
Phellodendron amurense	Amur corktree
Prunus virginiana	Chokecherry (native)
Quercus alba	White oak (native)
Quercus coccinea	Scarlet oak (native)
Quercus palustris	Pin oak (native)
Quercus vellutina	Black oak (native)
Sassafras albidum	Sassafras (native)

(3) Ornamental Trees: suitable for low-intensity property line buffer screens (minimum mature height: fifteen feet (15') or more).

Scientific Name	Common Name
Amelanchier canadensis	Serviceberry (native)
Cercis canadensis	Redbud (native)
Chionanthus virginicus	Fringetree (native)
Cornus kousa	Japanese dogwood
Cornus mas	Cornelian cherry
Crataegus cv. Toba	Toba hawthorn
Crataegus mollis	Downy hawthorn
Crataegus oxycantha	English hawthorn
Crataegus phaenopyrum	Washington hawthorn
Halesia carolinia	Silverbells (native)
Hamamelis virginiana	Witch hazel (native)
Koelreuteria paniculata	Golden rain tree
Laburnum vossi	Goldenchain
Magnolia virginiana	Sweetbay magnolia (native)
Malus sp.	Crab apple species (native)
Oxydendrum arboreum	Sourwood (native)
Prunus sargentii	Sargent cherry
Prunus serrulata cv. kwanzan	Kwanzan cherry

(2) Maintenance.

(i) Required plant material shall be maintained for the life of the development to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced as soon as possible, but no later than the next growing season.

(ii) Safety. All sight triangles shall remain open and clear, and any plant material that could endanger safety, such as unstable limbs, shall be removed and the plant material replaced, if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to ensure a safe environment.

(iii) Maintenance guidelines for the plantings are encouraged to be published by the planting plan designed to be used by grounds maintenance personnel to ensure that the design's buffering and screening concepts are continued.

(iv) All subdivision and land development record plans shall contain the following note: "The Developer is responsible for the plantings of trees, plants, shrubbery, buffer screens and site element screens as shown on said Plan and for the re-planting of any such trees, plants and shrubbery should such planting die or become diseased for a period of eighteen (18) months from the date of planting. During said eighteen (18) month period, the Developer shall be responsible for the maintenance of all trees, plants, shrubbery, buffer screens and site element screens shown on said Plan. The lot owner shall allow and grant an easement to the Developer to enter the lot owner's yard for maintenance and inspection of plantings and for the replacement of plantings to comport with the approved landscape plan. Maintenance of all trees, plants, shrubbery, buffer screens and site element screens shown on said plan shall become the responsibility of each lot owner after the period of eighteen (18) months from the date of planting has passed."

(j) Plant Material List. Unless specifically stipulated within this Chapter, the following is an approved list of selected trees, hedges and/or shrubs which may be utilized to meet the standards and specifications of Subsection 517. Species selection shall be based upon existing physical and natural conditions of the site.

(1) Shade or Canopy Trees: suitable for street trees or parking lots (minimum mature height: thirty feet (30') or more).

Scientific Name	Common Name
Acer rubrum	Red maple (native)
Celtis sp.	Hackberry (native)
Cladrastis lutea	Yellow wood (native)
Corylus colurna	Turkish filbert
Fraxinus pennsylvanica lanceolata cv. marshall's seedless	Marshall's seedless ash (native)
Gleditsia triacanthos, inermis	Thornless Honeylocust
Koelreuteria paniculata	Golden rain tree
Quercus alba	White oak (native)
Quercus bicolor	Swamp white oak (native)

TABLE 2 - SITE ELEMENT SCREENS

Proposed Site Element	Nonresidential	Residential	All Roads
Dumpster, trash or recycling area	2 or 4	2 or 4	2 or 4
Service loading docks	1 or 3	1 or 3	1 or 3
Sewage/water treatment plants, pump stations, cellular towers, power generating stations	1	2	4

Notes: 1 = Site Element Screen Type No. 1
2 = Site Element Screen Type No. 2
3 = Site Element Screen Type No. 3
4 = Site Element Screen Type No. 4

See text of Section 517(h) of this Chapter for description of site element screens.

(i) Plant Materials Specifications and Maintenance. The following standards shall apply to all plant materials or transplanted trees as required under this section:

(1) Plant Specifications.

(i) All plants shall meet the minimum standards for health, form and root conditions as outlined in the American Association of Nurserymen (AAN) Standards.

(ii) All plant material shall be hardy and within the USDA Hardiness Zone 5 and 6 applicable to Berks County, Pennsylvania.

(iii) Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of thirty feet (30') at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and one-half inches (2-1/2") at planting.

(iv) Ornamental trees or large shrubs shall reach a typical minimum height of fifteen feet (15') at maturity based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character, such as showy flowers, fruit, habit, foliage or bark. New ornamental trees shall have a minimum height of six feet (6') or one and one-half inch (1-1/2") caliper. New large shrubs shall have a minimum height of two and one-half feet (2-1/2') to three feet (3') at time of planting.

(v) Evergreen trees shall reach a typical minimum height of twenty feet (20') at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of five feet (5').

determined by the site element and the adjacent existing land use according to Table 2.

(4) Screen Location. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

(5) Screen types and criteria: The following types of screens shall be used where specified in Table 2.

(i) Site Element Screen Type No. 1: Double row of evergreen trees. A double row of evergreen trees shall be placed eight feet (8') on center and offset eight feet (8') to provide a continuous screen at a minimum height of twelve feet (12') at maturity.

(ii) Site Element Screen Type No. 2: Opaque fence with ornamental trees and shrubs. A six feet (6') opaque fence surrounding the site element on at least three (3) sides, with additional plantings at a minimum of three (3) shrubs and two (2) ornamental trees or large shrubs for each ten (10) linear feet of proposed fence arranged formally and informally between the fence and the adjoining property line.

(iii) Site Element Screen Type No. 3: Architectural extension of the building. An eight feet (8') minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.

(iv) Site Element Screen Type No. 4: Evergreen hedge. An evergreen hedge of chamaecyparis, minimum height at planting of five feet (5') plants, three feet (3') on center maximum.

(6) Existing healthy trees, shrubs or woodland may be substituted for part or all of the required material at the discretion of the Board of Supervisors. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the site element screen.

fence arranged formally or informally between the fence and the adjoining property line. Buffer Screen Type No. 2 plant species are to be selected from the Plant Material List, evergreen shrubs, large deciduous shrubs and ornamental trees sections of this Chapter.

c) Buffer Screen Type No. 3: Evergreen hedge. An evergreen hedge of chamaecyparis, minimum height at planting of five feet (5') plants, three feet (3') on center maximum.

(ix) Existing healthy trees, shrubs or woodland may be substituted for part or all of the required material at the discretion of the Board of Supervisors. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the buffer screen.

TABLE 1 - BUFFER SCREENS

	Existing Use/Zoning Districts								
Proposed Use	LDR	MDR	RC	MHP	HC	SSC	LI	AGR	REC
LDR	L	L	L	H	H	H	H	L	L
MDR	L	L	H	H	H	H	H	H	H
RC	L	H	L	H	H	H	H	L	L
MHP	H	H	H	L	H	H	H	H	H
HC	H	H	H	H	L	L	L	H	H
SSC	H	H	H	H	L	L	L	H	H
LI	H	H	H	H	L	L	L	L	H
AGR	L	H	L	H	H	H	L	L	L
REC	L	H	L	H	H	H	H	L	L
CLUSTER (in any Zone)	H	H	H	H	H	H	H	H	H

Notes: L = Low Intensity Buffer
H = High Intensity Buffer

See text of Section 517(g) of this Chapter for description of buffer screens.

(h) Site Element Screens.

(1) A site element screen shall be required and continually maintained by the landowner in all proposed land developments around the following site elements:

(i) Dumpsters, trash disposal or recycling areas.

(ii) Service or loading docks.

(iii) Pump stations, cellular towers, sewage/water treatment plants.

(2) The existing or zoned used shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply.

(3) The type of site element screen required shall be

c) Mixed use, planned residential and cluster developments.

d) All mobile home parks.

e) Recreation areas and facilities.

(ii) An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant or undeveloped land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply.

(iii) Upon installation, a buffer screen shall be not less than five feet (5') tall.

(iv) Buffer screens shall have a minimum depth of ten feet (10'), unless otherwise indicated in the Amity Township Zoning Ordinance. No plant trunk shall be closer than ten feet (10') to any property line (except for Buffer Screen Type 2).

(v) No buffer screen shall be permitted where it may impose a threat to the public safety by obstructing the view of motorists to oncoming traffic or pedestrians.

(vi) Buffer screens shall be maintained as long as the use or uses on the screened lot is/are in operation. Any plant material which does not survive shall be replaced within six (6) months.

(vii) Plant materials quantities and types. For every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plant materials shall be required for low-intensity buffer screens:

a) Two (2) canopy trees.

b) One (1) ornamental tree.

c) Two (2) evergreen trees.

(viii) High-intensity buffer screens. The following types of buffer screens shall be used for property lines requiring high-intensity buffer screens:

a) Buffer Screen Type No. 1: Double row of evergreen trees. A double row of evergreen trees shall provide a continuous screen at a minimum height of twelve feet (12') at maturity. The two (2) rows of evergreen trees shall be placed eight feet (8') on center. The second row shall be eight feet (8') from the first with an offset of four feet (4'). Minimum height at planting shall be five feet (5'). Trees species are to be selected from the Plant Material List, evergreen trees section of this Chapter.

b) Buffer Screen Type No. 2: Opaque fence with ornamental trees and shrubs. A continuous six feet (6') opaque fence with additional planting at the minimum rate of three (3) shrubs and two (2) ornamental trees or large shrubs for each ten (10) linear feet of proposed

are compatible with other features of the site and its environs.

(f) Stormwater basins and associated facilities. Landscaping shall be required in and around all stormwater management basins as follows:

(1) All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures or other earth structures, shall be planted with cover vegetation, such as lawn grass or naturalized plantings specifically suited for stormwater basins. (See the Plant Material List, for recommended plants for stormwater basins.)

(i) Lawn grass areas shall be sodded or hydroseeded to minimize erosion during the establishment period and, once established, these areas shall be maintained at a height of not more than six inches (6").

(ii) Naturalized cover plantings, such as wildflowers, meadows and nonaggressive grasses specifically designed for the permanently wet, intermittently wet and usually dry areas of stormwater basins may be planted as an alternative to lawn grass, provided that:

a) The plantings provide continuous cover to all areas of the basin.

b) The plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.

(iii) Trees and shrubs shall be allowed in and around stormwater basins, provided that they do not interfere with the proper function of the basin and no trees are planted on or within thirty feet (30') of an impoundment structure or dam.

(2) Basin shape shall incorporate curvilinear features to blend with the surrounding topography.

(g) Buffer Screens.

(1) A "buffer screen" is hereby defined as a landscaped barrier of sufficient height and density as to enhance new development with its surroundings, minimize or eliminate certain views within property lines and to separate conflicting land uses. Buffer screen shall also mean "Buffer Yard" as used in the Amity Township Zoning Ordinance.

(2) Subdivisions and land developments shall be landscaped with property line buffer screens in accordance with Table 1.

(3) Property line buffer requirements:

(i) Property line buffer screens shall be required for and continually maintained by the landowner in the following types of development.

a) The perimeter of all nonresidential development.

b) The perimeter of all residential development.

the effectiveness of light fixtures.

(e) Street Trees.

(1) Street trees shall be required:

(i) Along all existing streets when they abut or lie within the proposed subdivision or land development.

(ii) Along all proposed streets.

(iii) Along access driveways that serve three or more residential dwelling units.

(iv) Along access driveways that serve nonresidential properties.

(v) Along major walkways through parking lots and between nonresidential buildings as recommended by the Township Planning Commission.

(2) Where streets or roads are within wooded areas, existing healthy trees shall be retained in lieu of street trees.

(3) Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:

(i) Trees shall be planted a minimum distance of six feet and a maximum distance of fifteen feet (15') outside the ultimate right-of-way line. The Board of Supervisors, however, may permit trees to be planted within the ultimate right-of-way under the following circumstances:

a) In areas, such as existing villages, where front yards may be located within the ultimate right-of-way.

b) Where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

(ii) In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least ten feet (10') in width, planted in grass or ground cover.

(iii) Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of six feet (6') from curbs and sidewalks, fifteen feet (15') from overhead utilities and six feet (6') from underground utilities.

(iv) Trees shall be planted at a ratio of at least one (1) tree per thirty (30) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property although they need not be evenly spaced.

(4) New street trees shall:

(i) Have a total height of not less than six feet (6') above the root ball.

(ii) Be hardy species (preferably, but not necessarily, native to the area) with minimal maintenance requirements that

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.

(3) Hydrology. Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.

(d) Parking Lot Landscaping.

(1) Parking lots shall be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, parking lot lights; to delineate driving lanes and define rows of parking; to provide shade in order to reduce the amount of reflected heat; and to improve the aesthetics of parking lots. Parking lot landscaping shall not create sight distance constraints which cause unsafe conditions.

(2) All parking lots with ten (10) or more parking stalls shall be landscaped according to the following regulations:

(i) Off-street parking areas shall be separated from external streets by a twenty feet (20') wide curbed planting strip.

(ii) The ends of all parking rows shall be divided from driving lanes by planting islands.

(iii) In residential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than 20 stalls.

(iv) In nonresidential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than sixty (60) stalls. There shall be no more than two (2) consecutive rows of parking spaces, regardless of the number of spaces in the row, without the installation of a planting strip as herein defined.

(v) Planting islands shall be a minimum of nine feet by 18 feet in area, underlain by soil (not base course material); mounded at no more than a four to one (4 to 1) slope, nor less than a twelve to one (12 to 1) slope, and shall be protected by curbing. Each planting island shall contain one shade tree plus shrubs and/or ground cover (ie. mulch, decorative stone or similar material) to cover the entire area.

(vi) All planting strips shall be a minimum of eight feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than four to one (4 to 1) slope, nor less than a twelve to one (12 to 1) slope, and shall be protected by curbs. Planting strips shall contain plantings of street-type shade trees at intervals of thirty feet (30') to forty feet (40') plus shrubs and/or ground cover (ie. mulch, decorative stone or similar material) to cover the entire area at maturity.

(vii) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with

required street trees, stormwater basin landscaping, parking lot landscaping, property line buffer screens and site element screens.

(11) The location of floodplains, wetlands and other natural features that may affect the location of proposed streets, buildings and landscape plantings.

(12) A planting schedule listing the scientific and common name, size, quantity and root condition of all proposed plant material.

(13) A schedule showing all landscape requirements and plantings proposed for each category.

(14) Planting details, including the method of protecting existing vegetation and landscape planting methods.

(15) For residential developments with fifty (50) or more dwelling units and non-residential developments in which the cumulative gross floor area exceeds forty thousand (40,000) square feet, the landscaping plan must be prepared and certified by a professional landscape architect.

(c) Preservation and protection of existing vegetation.

(1) Preservation of existing vegetation. Each mature tree or tree mass on the site to be developed or subdivided shall be designated "TO REMAIN" or "TO BE REMOVED" in accordance with the following criteria:

(i) Subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.

(ii) It shall be the responsibility of the applicant to prove that vegetation removal is minimized. If required by the township, the applicant shall produce written documents or plans certified by a registered landscape architect or other qualified professional demonstrating that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.

(iii) A mature tree or tree mass shall be considered "TO REMAIN" only if it meets all of the following criteria:

a) The outermost branches of the tree(s) are at least ten feet (10') from any proposed buildings, structures, paving, parking or utilities (overhead or underground).

b) The outermost branches of the tree(s) are at least ten feet (10') from any proposed changes in grade or drainage, such as excavations, mounding or impoundments.

c) The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the health, safety and welfare of the community.

(2) For each tree to be preserved, a tree protection zone shall extend a distance from the tree trunk equal to twelve (12)

developments and subdivisions.

(x) Enhance the aesthetic appearance of the community and provide privacy and beauty.

(xi) Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.

(xii) Conserve energy by moderating solar radiation and providing shade.

(xiii) Improve the environment for pedestrians along streets, parking lots and other pedestrian areas.

(xiv) Aesthetically improve stormwater management facilities, such as detention basins, without impairing function.

(3) It is the intent of these regulations to protect the health, safety and welfare of the community by requiring planting plans for land developments and subdivisions.

(4) Minor plan submissions, as set forth in Section 306 of this Chapter are exempt from these regulations.

(b) Landscaping Plan. A landscaping plan for the proposed subdivision or land development is required. For residential proposals with more than ten (10) units and nonresidential proposals, the landscaping plan shall consist of a separate plan sheet(s). For residential proposals of ten (10) units or less, the landscaping plan may be included on the grading/utility plan. Landscaping plans shall contain the following:

(1) Plan scale, date, and North arrow.

(2) Location of all existing and proposed buildings and structures.

(3) Location of all existing and proposed roads, parking areas, service areas and other paved areas.

(4) Location of all outside storage and trash receptacle areas.

(5) Sidewalks, berms, fences, walls, freestanding signs and site lighting.

(6) Existing and proposed underground and aboveground utilities, such as site lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings).

(7) All existing and proposed contours at two-foot intervals to determine the relationship of planting and grading. Areas with steep slopes as defined in the Zoning Ordinance shall be highlighted on the plan.

(8) The location of existing mature trees, woodland and tree masses to remain and demarcated as such.

(9) The location of existing mature trees, woodland and tree masses to be removed and demarcated as such.

(10) The location of all proposed landscaping, including

include, but are not limited to, standard specifications for trenching, backfilling, compacting and paving restoration.

If the Township determines that the Township Street Cut Ordinance (No. 93-136), as amended (see Chapter XXVI of the Township Code of Ordinances) does not apply, the Township Engineer shall require a restoration measure as specified under Township Ordinance 94-143, as amended (see Chapter XXIII of the Township Code of Ordinances). If required by the Township, an escrow shall be established for the cost of the improvements and/or inspection fees.

(Ordinance 135, November 18, 1992, Section 516; as amended by Ordinance 165, April 26, 1999, Section 22)

Section 517. Landscaping.

(a) Intent; Exemptions.

(1) Article 1, Section 27, of the Constitution of the Commonwealth of Pennsylvania states that the people of the commonwealth have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. It is the intent of these landscape planting regulations to protect this right by conserving existing vegetation and/or requiring new plant material in critical areas of land developments and subdivisions.

(2) Specifically, it is the intent of these landscape planting regulations to conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of developments in order to:

(i) Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.

(ii) Reduce stormwater runoff velocity and volume by providing planting areas where stormwater can infiltrate

(iii) Improve air quality by conserving existing or creating new plantings which produce oxygen and remove carbon dioxide from the atmosphere.

(iv) Provide animal habitat.

(v) Provide windbreaks, shade and the other microclimate benefits of trees and landscape plantings.

(vi) Conserve historically, culturally or environmentally important landscapes, such as, but not limited to, wooded hillsides, scenic views or aesthetic natural areas, and historic stone fences.

(vii) Preserve and enhance property values through the implementation of good landscape architectural standards and minimize conflicting land uses.

(viii) Provide planted buffers between land developments and subdivisions which act to visually integrate a development into the existing landscape.

(ix) Provide planted and architectural visual screens around visually obtrusive site elements within land

the groundwater table or exiting wells near the project site. The study shall examine the possibility of contamination to the proposed wells due to existing environmental factors, such as landfills, underground fuel tanks and septic tanks.

(e) Fire Hydrants.

(1) All subdivisions and land developments that are to be served by a public or community water supply system shall provide fire hydrants.

(2) Fire hydrants shall be located no further than six hundred feet (600') apart, as measured along the centerline of each road. All residential dwelling units and non-residential principal buildings shall be located no farther than four hundred feet (400') from an active fire hydrant.

(3) Fire hydrants shall be located in a manner to provide complete accessibility and so that possibility of damage from vehicles or injury to pedestrians will be minimized. When placed behind the curb, the barrel of the fire hydrant shall be set so that no portion of the pumper or hose nozzle cap will be less than twenty-four inches (24") from the curb line.

(4) The type and location of all required fire hydrants are subject to the review and approval of the Township, the public water supply company and the regional fire company.

(5) The water pressure for each fire hydrant shall be consistent with the standards and specifications established within this Section.

(Ordinance 135, November 18, 1992, Section 515; as amended by Ordinance 165, April 26, 1999, Sections 20 & 21)

Section 516. Utilities.

(a) All other utility lines, including but not limited to electric, natural gas, street light supply, cable television and telephone, shall be placed underground.

(b) Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the municipal authority or public utility company.

(c) Where such underground utilities lie under a proposed cartway, they shall be put in place, connected and approved before the streets are constructed and before any person is permitted to occupy any building to be served by such utilities.

(d) The applicant shall be responsible for contacting all applicable utilities and accurately determining the locations and depth of all underground utilities within the tract proposed for subdivision or land development, prior to excavation. A complete list of the applicable utility companies and their phone numbers shall appear on the Preliminary and Final Plans.

(e) In the event an existing street is excavated for repair and/or improvement to storm water management facilities, sanitary sewer facilities, water supply facilities or any utility, the existing road shall be properly restored in accordance with the requirements specified under the Township Street Cut Ordinance (No. 93-136), as amended (see Chapter XXVI of the Township Code of Ordinances). These requirements

slate and shale formations where existing wells are not available. The test hole wells shall have a minimum diameter of six inches (6") and shall be situated one hundred feet (100') from the source well, equally distributed along the periphery.

(18) Where a community water system is to be installed within a proposed subdivision or land development, the improvement procedures and requirements set forth within this Chapter shall be followed. Improvements agreements, guarantees, inspections and guarantee releases shall include consideration of the community water company in carrying out the procedures and requirements of this Chapter.

(19) Final specifications for the design and installation of the centralized water system shall be included as part of the improvements agreement between the developer and the Township. Final approval of the subdivision or land development plan shall not take place until such specifications are finalized within the improvements agreement and until the necessary improvements and maintenance guarantees are posted. Engineering review of the specifications for the water system by the Township Engineer shall take place before signing of the improvements agreement and before approval of the final development plan.

(20) 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. All agreements between the developer and the public water supply company for the temporary to permanent water supply inter-connection should be submitted to the Township for review. All such agreements and required escrows must be consummated prior to municipal approval.

(21) The design standards, specifications and time frame shall be subject to the approval of the Township and the public water supply company.

(d) On-Lot Water Supply.

(1) When no public water supply is either available or accessible, adequate water supply shall be furnished by the landowner on an individual lot basis.

(2) Each lot to be served by individual on-lot water supply shall be of a size and shape to permit the safe location for each well. All proposed wells shall not be located within one hundred feet (100') from any on-lot sewage disposal system and withing fifty feet (50') from any watercourse or surface waters. Where feasible, proposed wells shall not be located down gradient from any on-lot sewage disposal system.

(3) The applicant shall provide at least one (1) test well for each five (5) proposed dwelling units. The yield of each test well shall be no less than eight (8) gallons per minute. A sample shall be obtained from each test well and tested to ensure that the well is free of bacteriological contaminants. The Planning Commission shall be provided with documents from a licensed well driller verifying the yield of each test well and from a state certified laboratory verifying that the sample(s) is/are potable.

(4) The applicant may be required to submit a study prepared by a professional hydrogeologist certifying that the proposed individual wells will be able to supply each lot with a dependable water supply and that the proposed wells will not adversely affect

(iii) The exact location of the water source pump with respect to the bottom of the well shall be recorded and maintained constant for the duration of the test.

(iv) The water source pump shall be operated at maximum capacity and output for the first six (6) hours of the test or until the water level in the source well reaches a point twenty feet (20') above the water source pump. The elapsed time and rate of pumping shall be recorded at sixty (60) minute intervals on a log data sheet.

(v) Draw-down of the source well in feet shall be recorded at sixty (60) minute intervals as well as the water draw-down of any required peripheral test hole wells* on the log data form.

(vi) Reduce the maximum rate of pumping by ten (10) gallons per minute (GPM) and continue pumping for the next two (2) hours of test or until the water level reaches a point twenty feet (20') above the water source pump. The elapsed time, rate of pumping and draw-down of the source well and, where required, the peripheral test hole wells* shall be recorded on the log data forms at sixty (60) minute intervals.

(vii) Continue the above procedure using the two (2) hour time periods or the criteria of water level above the source pump until the conditions are such that the Dynamic Recovery Rate of the water source equals the pumping rate (dynamic equilibrium). The increment of GPM reduction may be increased where on site pumping data warrants such action. Note: as the Dynamic Recovery Rate is approached, the increment of GPM reduction will need to be reduced from ten (10) GPM to eight (8) GPM to five (5) GPM to n GPM to zero (0) GPM. At this point, no detectable change in draw-down will occur. If any change in draw-down is detected, either plus or minus, dynamic equilibrium has not been achieved.

(viii) When said Dynamic Recovery Rate is reached, record elapsed time, pumping rate and draw-down on log data sheet and continue pumping at this rate for the remainder of the minimum forty-eight (48) hour test time or a minimum of twenty-four (24) hours, whichever is the greater time. Elapsed time, pumping rate and draw-down of the source well, and where required, the peripheral test wells*, shall be recorded hourly.

(ix) Measurements of static water level recovery shall be made on the source well and peripheral test hole wells*, where required. Measurements shall be taken hourly and the data recorded for a minimum time period of twenty-four (24) hours upon cessation of the dynamic recovery rate test.

(x) Calculations of specific capacity and safe daily yield of the source well shall be submitted to the Township Engineer and the PA DEP by the registered professional engineer employed by the utility or developer for review and analysis.

* Peripheral test hole wells, if existing wells are not available in the vicinity, may be required in order to determine the area of influence of the source well and the capacity of the source well aquifer. Peripheral test hole wells will generally be required in geological areas with

(ii) Customer service connections shall be one of the approved materials for mains or type "K" copper.

(iii) A corporation stop and curb stop shall be furnished for each customer service connection.

(iv) A cross connection is any physical connection, direct or indirect, which provides a potential opportunity for non-potable water to enter a conduit, pipe or receptacle containing potable water. Such cross connections are prohibited.

(12) No water main shall be approved unless subjected to the following test:

All joints in the pipe lines shall remain uncovered until the pipe has been subjected to pressure tests of fifty (50) pounds in excess of the operating pressure at the lowest point of elevation of the system. All pipe shall be tested for a minimum of two (2) hours with a pressure drop not exceeding two (2) pounds per square inch.

(13) Storage for finished water shall be provided as an integral part of each water supply system. Standards set forth in this Chapter and the Public Water Supply Manual shall be used in designing water storage systems. Equipment selected shall have been manufactured in conformance with the latest standards and specifications issued by the American Water Works Association.

(14) Pumping stations within community water systems shall comply with standards and specifications set forth in this Chapter and the PA DEP Public Water Supply Manual.

(15) Well construction shall take place according to the standards set forth in the PA DEP Public Water Supply Manual. There shall be a minimum of two (2) well sources, one to act as a back-up should one source fail or be taken out of service.

(16) The community water system well source shall be centrally located within an open space water protection zone a minimum of one (1) acre in size. No structures other than water system pumping stations, standpipes, etc. shall be located within the protected zone. No on-lot sewage disposal system shall be constructed within four hundred feet (400') of the water source well.

(17) A dynamic recovery rate and draw-down test shall be conducted to determine the capacity and safe daily yield of the well source. The test procedures shall be conducted in conformance with PA DEP Water Supply Manual and the following:

(i) A water pump, capable of variable output, having sufficient capacity to exceed the Dynamic Recovery Rate of the water source, shall be employed for said test. It is recommended that the capacity of the source pump be such that draw-down to within twenty feet (20') of the source pump be achieved in a maximum of three (3) hours.

(ii) A suitable calibrated water meter capable of measuring the water output shall be connected to the water source pump outlet.

period or one hundred twenty thousand (120,000) gallons, whichever is higher. Fire hydrants shall be provided for fire service.

(iii) Utilities servicing one hundred (100) customers and over shall provide elevated storage facilities of sufficient capacity to meet National Insurance Services Office (NISO) recommendations for fire protection plus the one (1) day peak demand or one hundred twenty thousand (120,000) gallons, whichever is higher, shall provide pressurized fire hydrants, and shall meet design standards of the American Water Works Association.

The NISO minimum requirements for "Needed Fire Flow" as follows:

For one (1) and two (2) family dwellings not exceeding two (2) stories in height, the following Needed Fire Flows shall be used:

Distance Between Buildings	Needed Fire Flow	at Duration	Residual Pressure Rated Cap.
Over 100 feet	500 gpm	2 hr.	20 psi
31 feet to 100 feet	750 gpm	2 hr.	20 psi
11 feet to 30 feet	1,000 gpm	2 hr.	20 psi
10 feet or less	1,500 gpm	2 hr.	20 psi

Other habitational buildings, up to three thousand five hundred (3,500) gpm maximum depending on land use type.

(8) Pipe selected for distribution systems shall have been manufactured in conformance with the latest standard specifications issued by the American Water Works Association. The acceptable material(s) for water main use shall include ductile iron pipe (cement lined).

(9) Water distribution mains shall be a minimum of eight inches (8") inside diameter laid out in a well-gridded system. Whenever fire protection capability is provided, main sizes shall be adequate so the system can meet the water quantity and pressure standards within this Section. Supply mains not adequate for fire-fighting shall not be connected to fire hydrants and can only be considered for use as special water service lines.

(10) A minimum static pressure during peak hourly flow of fifty (50) pounds per square inch is desirable, but the minimum static pressure during peak hourly flow shall not be less than thirty (30) pounds per square inch. Normal pressure variations in the system shall range between thirty (30) to seventy (70) psi. A minimum of twenty (20) pounds per square inch should exist at any point in the system during periods of fire flow.

(11) The minimum standards for customer connections are established below:

(i) All service connections from the main to a single dwelling unit shall be a minimum of three-quarters inch (3/4") ID. The diameter of service connections to multiple units shall meet the approval of the Township Engineer.

Basin Commission and/or the Public Utility Commission (P.U.C.). At a minimum the community water supply system shall be designed in accordance with the Pennsylvania Department of Environmental Protection (Division of Water Supplies) Public Water Supply Manual, latest revision. All community water supply systems shall be organized in such a manner as to fall within the jurisdiction of the Pennsylvania Public Water Commission.

(2) Where a community water supply system is proposed to serve a subdivision or land development, a feasible water supply and distribution system shall be proposed before preliminary approval of the subdivision or land development. Detailed plans specifications, supply and demand shall be submitted to and be approved by the Township Engineer before final approval. A permit for the system must be granted by the PA DEP and any other governing body having jurisdiction over the work before final approval.

(3) The water supply shall be drawn from an adequate and reliable source which can supply, in combination with storage facilities, the water demands of the proposed service area, at all times. The water source, in combination with storage facilities, shall be capable of meeting fire flow demand established within this Section as well as average or peak daily consumption, except that in systems not required to provide fire flow the storage facilities shall be sized in accordance with standards of this Section.

(4) The water source shall be capable of supplying one hundred fifty percent (150%) of the average daily demand based on eighty (80) gallons per day per person (GPCD) and/or three hundred (300) GPD per dwelling unit, for the design population of the development or the service area. Testing procedures to determine the reliable capacity of the water source are set forth in this Section.

(5) Water service to non-residential developments shall demonstrate adequacy to meet projected demand from the specific project.

(6) The quality of the source shall conform to the water quality requirements of the PA DEP, Division of Water Supplies as set forth in their Public Water Supply Manual. Treatment of the water supply shall be done in accordance with requirements set forth in the Public Water Supply Manual.

(7) All utilities shall have a standby pump or pumps adequate to insure that the system can operate normally with the largest pump out of service. In addition, the following storage and equipment requirements shall be met by community water supply systems according to the size of the system.

(i) Small utilities servicing less than fifty (50) customers shall have sufficient storage facilities to supply an average daily demand for a seventy-two (72) hour time period or sixty thousand (60,000) gallons, whichever is higher, with the source cut off. Fire hydrants shall be provided for fire service if required by the Township. The hydrants shall be connected or stored as may be required by the Township.

(ii) Utilities serving greater than fifty (50) but less and one hundred (100) customers shall maintain a minimum distribution storage capability of one hundred fifty percent (150%) of the average daily demand for a seventy-two (72) hour

(4) The type, capacities, location and general layout of the proposed community sewage disposal system or individual sewage disposal system shall comply with the recommendations of the Sewage Enforcement Officer, and with the rules and regulations of the Pennsylvania Department of Environmental Protection, and applicable statutes of the Commonwealth of Pennsylvania.

(Ordinance 135, November 18, 1992, Section 514; as amended by Ordinance 165, April 26, 1999, Section 19)

Section 515. Water Supply.

(a) General Standards.

(1) The provision of public, community or individual on-lot water supply in residential subdivisions and land developments shall be consistent with the standards and requirements of the Amity Township Zoning Ordinance (see Chapter XXXII of the Township Code of Ordinances).

(2) Planned residential developments, single-family cluster developments, mobile home parks and developments containing multi-family dwelling units, single-family semi-detached dwelling units or two-family detached dwelling units shall be provided with a public or community water system.

(3) All subdivisions or land developments providing community water supply shall be required to provide fire protection in accordance with Section 515(c) of this Chapter. All distribution systems for community or public water systems shall be equipped with adequately sized mains and the appurtenances required to provide fire protection.

(4) All unused or abandoned well sources shall be properly secured and sealed in accordance with all federal, state and local laws. All well closure and abandonment plans and procedures shall be subject to review, approval and inspection by the Township Engineer. Section 806 (Appendix F) of this Chapter provides the minimum requirements for well abandonment procedures.

(b) Public Water Supply.

(1) Subdivisions and land developments to be served by exiting public water supplies shall be provided with water distribution facilities designed in accordance with regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and the standards and specifications of the public water supplier.

(2) The distribution facilities shall be designed to provide fire protection at a minimum flow rate of one thousand (1,000) GPM with a minimum residual pressure at twenty (20) psi.

(3) The subdivider or developer shall provide the Board of Supervisors with a copy of a letter of intent from the public water supplier prior to Preliminary Plan approval and with a copy of an approved Water Service Agreement prior to Final Plan approval.

(c) Community Water Supply.

(1) Community water systems shall be developed and maintained so as to meet the established standards and specifications of the Pennsylvania Department of Environmental Protection, the Environmental Protection Agency, the Delaware River

with all standards specified by the Township and by the Pennsylvania Department of Environmental Protection.

(iii) All proposed sanitary sewage facilities shall be designed in accordance with the "Standard Specifications For Developers", Township Ordinance 94-143, as amended (see Chapter XXIII of the Township Code of Ordinances).

(iv) Easements for municipal sanitary sewer facilities shall be established to provide access for maintenance. All such sanitary sewer easements shall be accurately described by bearings and distances. If required by the Township, a maintenance agreement for the easement shall be submitted to the Township Solicitor and the Township Engineer for review.

(v) If the subdivision is to be phased, the sanitary sewer run must terminate at a manhole if there are laterals which are connected within the run. At the discretion of the Township, capping at the phase line may be permitted if there are no laterals which are connected within the run.

(vi) If the plan and profiles do not terminate at a structure, the appropriate information must be shown on both sheets and the plans must reference the matchline plan number.

(vii) As-built plans must be submitted and the required information regarding the sanitary sewers shall be depicted on the Plans.

(viii) All necessary and appropriate permits issued by the Pennsylvania Department of Environmental Protection shall be submitted to the Township. These permits shall include, but are not limited to, sewer extension permit, Part II permits, stream crossings and wetland encroachments.

(ix) A highway occupancy permit must be obtained from the Pennsylvania Department of Transportation for all proposed sanitary sewer improvements within a state right-of-way.

(c) Private Sanitary Sewage Systems.

(1) Where public sewage services are neither available nor accessible, the developer shall provide a sanitary sewage disposal system on either an individual or community basis in accordance with the standards and provisions established by the Township and/or the Pennsylvania Department of Environmental Protection.

(2) Permits are required for the design, construction, installation, alteration, replacement, repair and/or extension of any community sewage disposal system or individual on-lot sewage disposal system. All such permits for private sewage disposal systems shall be subject to approval by the Pennsylvania Department of Environmental Protection and/or Township Sewage Enforcement Officer. A permit and inspection fee shall be established pursuant to a resolution of the Township and shall be paid at the time the application is filed.

(3) The permit for a community sewage disposal system or an individual sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sewage Enforcement Officer.

restored in accordance with the standards which are specified by Township ordinances or as required by the Township Engineer. All permitted cross-country sewer line runs shall be provided with brick landscaping pavers to provide and accommodate vehicular access for maintenance crews.

(ix) The sanitary sewer lines shall be located beneath the cartway of the proposed roadways a minimum of five feet (5') away from the curb line.

(x) Any manholes with a potential for surface water infiltrations shall be labeled watertight manhole frame and cover, and those manholes in the open field shall be raised a minimum of eighteen inches (18") above grade. Inserts shall be provided in all manholes.

(xi) Drop manholes shall be labeled on the plan.

(xii) Ductile iron pipe shall be utilized for stream crossings. All stream crossings shall meet the requirements specified by the Department of Environmental Protection.

(xiii) The appropriate vertical and horizontal separation distances required by the Township and by the Pennsylvania Department of Environmental Protection.

(xiv) Sewer lines must be a minimum of fifty feet (50') from private wells and one hundred feet (100') from public wells.

(xv) The applicant shall be responsible for the cost and installation of any necessary revisions, reconstructions or upgrades to the Township wastewater treatment and collection system if the proposed flows from the project exceed the capacity of the system providing service to the proposed project.

(xvi) The plans must indicate complete information concerning the tie into the Township's system.

(xvii) All proposed and existing utilities shall be shown in the plans and profiles.

(xviii) At the discretion of the Township, in situations in which the design standards and requirements do not apply to the site conditions, the Township Engineer shall suggest or provide additional and/or alternative design methods to meet the objectives of this Chapter.

(7) The following general information, permits and details should be provided on the appropriate plans, profiles or as supplemental information for those applications involving public sanitary sewer service:

(i) All information pertaining to the sanitary sewer system must be submitted as of the Preliminary Plan submittal. Plans, profiles and details for all sanitary sewer runs shall be provided with the Preliminary Plan application.

(ii) A note shall be provided on the Plan indicating that the proposed sanitary sewer system shall be designed, located, permitted, constructed and installed in accordance

(b) Public Sanitary Sewage System.

(1) Areas designated for public sewer service within the Township's Official Sewage Facility Plan (Act 537 Plan, as amended) shall utilize the Amity Township Wastewater Treatment System as the method for sanitary sewage disposal.

(2) The developer shall construct a sanitary sewer collection and conveyance system in order to provide adequate sanitary sewer service available to each lot or dwelling unit within the subdivision or land development.

(3) The entire system shall be designed and constructed in accordance with the standards and specifications established by the Township.

(4) The applicant shall comply with all procedural permit requirements established by the Pennsylvania Department of Environmental Protection (PA DEP). The applicant shall complete and submit to the Township the necessary components of the PA DEP's Planning Module(s) for Land Development.

(5) If public sewage service is not accessible to an approved subdivision or land development, but is planned to be accessible within five (5) years of final approval, the developer shall install approved capped sewer collection lines within the limits of the subdivision or land development, in addition to the approved on-lot sewage facilities. Such sewer lines shall be capped at the limits of the subdivision or land development and the lateral shall be capped at the street right-of-way.

(6) The following design requirements and details should be provided on the appropriate plans, profiles or as supplemental information for those applications involving public sanitary sewer service:

(i) Laterals shall be shown for all proposed connections and shall not connect into manholes nor cross property lines.

(ii) First floor elevation shall be shown for all units.

(iii) Basement service shall be provided for all residential dwellings. All plans must demonstrate that basement service can be provided.

(iv) Proposed pump stations, unless otherwise stipulated, shall be the submersible type.

(v) The type and size of proposed pipes shall be indicated on the plans.

(vi) The minimum horizontal angle between incoming and outgoing sewers shall be less than ninety degrees (90°).

(vii) The minimum depth of the sewer shall be four feet (4').

(viii) Unless otherwise permitted by the Township, sanitary sewers shall not be permitted outside of the cartway. If permitted by the Township, the cross-country sewer line shall be backfilled with approved materials and properly

financial security shall be posted with the Township by a bonding company or Federal or Commonwealth chartered lending institution chosen by the applicant, provided such bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania. Such bond, or other security, shall provide for, and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

(d) Amount of Security.

(1) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant, and all administrative and engineering inspections, fees, costs and expenses.

(2) The Township may adjust the amount of the financial security on an annual basis by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the ninetieth (90^{th}) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township shall require the applicant to post additional security in order to assure that the financial security equals the one hundred ten percent (110%) and administrative and engineering costs as specified above. Any additional security shall be posted by the applicant.

(3) The amount of required financial security shall be based upon an estimate of the cost of completion and inspection of the required improvements, submitted by the applicant or applicants and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of all such costs.

(4) The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or applicants and the Township are not able to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Township and the applicant or applicants. The estimate certified by the third engineer shall be presumed fair and reasonable.

(e) Increases in the Amount of Security. If the applicant requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten percent (10%) for each one (1) year period or portion thereof beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completion and inspection of the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the procedure described above.

(f) Completion in Stages. In the case where development is projected over a period of years, the Township may at its discretion authorize approval of Final Plans by sections, stages or phases of development with the understanding that no sale of lots and no work within the areas reserved from development may commence until the required contracts are signed and the financial security posted with respect to those areas reserved from development. The Township shall also have the

right to impose additional requirements and conditions in connection with the phases as they are approved so as to assure that each section or phase will not be dependent for access or other improvement or common amenity upon completion of improvements in the subsequent phase or stage.

(g) Releases of Escrow. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security. Any such request shall be in writing addressed to the Board of Supervisors and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which the Township Engineer shall certify, in writing, to the Township whether such portion of the improvements has been completed in accordance with the approved Plan and applicable specifications. Upon certification of completion, the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Township fails to act within said forty-five (45) day period, the Township shall be deemed to have approved the release of funds as requested.

(h) Retention of Ten Percent. The Township shall, prior to release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the required improvements.

(Ordinance 135, November 18, 1992, Section 601; as amended by Ordinance 165, April 26, 1999, Section 23)

Section 602. Acceptance of Streets and Other Improvements.

(a) The Board of Supervisors shall at its discretion accept a part or all of the required improvements if satisfied that the applicant has complied with the approved Plan and all specifications and ordinances of the Township.

(b) The applicant shall furnish the Township with legal descriptions for all roads and easements. In addition, the applicant shall provide two (2) complete sets of prints of the completed required improvements, including drainage, profiles and utilities; and pay all costs for the Clerk of Courts and Recorder of Deeds of Berks County regarding the petition and resolution of the Board of Supervisors for its acceptance of the required improvements and any deed of dedication for the same.

(c) Unless permitted by the Township, no roads or other subsequent improvements will be accepted by the Township during the period from October 15 to April 15 of each year.

(Ordinance 135, November 18, 1992, Section 602)

Section 603. Maintenance Guarantee. Where the Township accepts dedication of all or some of the required improvements following completion, the Township shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design standards and specifications as shown on the Final Plan. The maintenance period shall be eighteen (18) months from the date of acceptance of dedication. The financial security shall be of the same type as described previously in this Chapter. The amount of financial security for maintenance shall be fifteen percent (15%) of the actual cost of the installation of said improvements. (Ordinance 135, November 18, 1992, Section 603)

Section 604. Public Utilities and Municipal Authorities. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by the Township. (Ordinance 135, November 18, 1992, Section 604)

Section 605. Final Release from the Improvement Bond.

(a) Procedural Requirements.

(1) When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Township, in writing, by certified or registered mail, return receipt requested, postage prepaid, of the completion of the required improvements and shall send a copy thereof to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements. The Township Engineer shall thereupon file a report, in writing, with the Township and shall promptly mail a copy of the same to the applicant by certified or registered mail, return receipt requested, postage prepaid. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township; and said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof. If the improvements are not approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection. The Township shall notify the applicant, within fifteen (15) days of receipt of the Engineer's report, in writing, by certified or registered mail, return receipt requested, postage prepaid, of the action of the Township.

(2) If the Township or the Township Engineer fails to comply with the time limitation provisions contained within this Chapter, all improvements will be deemed to have been approved and the applicant shall be released from liability for installation, pursuant to its performance guarantee bond, or other security agreement, but shall be liable for and shall provide a maintenance guarantee as otherwise provided for herein.

(3) If any portion of said improvements shall not be approved or shall be rejected by the Township, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined above, shall be followed.

(b) Reimbursement of Inspection Expenses. The applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of the improvements. Fees shall be based on a fee schedule adopted by resolution of the Board of Supervisors from time to time.

(c) Remedies to Effect Completion of Improvements. In the event that any required improvement have not been installed as provided for in these regulations, or in accordance with the approved Final Plan, the Township shall have the power to enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If the proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all of the improvements covered by said security, the Township may, at its option, install part of

or all such improvements in the subdivision or land development and may institute appropriate legal action to recover the monies necessary to complete the remainder of the improvements.

(d) Improvement Contract. In addition to the posting of security, the applicant shall be required to enter into a contract with the Township, in a form acceptable to the Township Solicitor, covering the completion of the required improvements. The contract shall also provide for engineering inspections, insurance, reimbursement of expense to the Township, procedure upon default, and other subjects deemed necessary by the Township Solicitor to ensure proper and reasonable development of the land.

(Ordinance 135, November 18, 1992, Section 605)

Section 606. Contributions and Fees.

(a) The applicant shall reimburse the Township for all reasonable administrative and professional expenses, including but not limited to engineering, legal and/or consultant fees. Prior to the filing of a Preliminary Plan, and prior to the filing of a Final Plan, the applicant shall pay to the Township the appropriate non-refundable filing fee and an escrow deposit to defray the professional expenses incurred by the Township in accordance with the fee schedule adopted by the Board of Supervisors. Thereafter, as the escrow deposit for expenses is expended, the applicant shall make further deposits upon notice from the Township until approval of the Plan. Upon approval of the Final Plan, the Township shall refund any uncommitted portion of the deposit remaining after expenses incurred by the Township have been paid in full by the applicant. To the engineering and legal fees required to be paid to the Township by this Part, there shall be added a percentage of these costs (in accordance with the fee schedule adopted by the Board of Supervisors from time to time) as reimbursement to the Township of the costs incurred by the Township for the collection of such fees and the disbursement of the same to the Township Engineer and the Township Solicitor.

(b) All fees and contributions which may be required for transportation improvements, recreation facilities, community facilities and/or other infrastructure improvements shall be paid by the applicant prior to final approval of the subdivision or land development plan.

(Ordinance 135, November 18, 1992, Section 606)

Part 7

Administration and Enforcement

Section 701. Amendments

(a) Before voting on the enactment of a proposed amendment to this Chapter, the Board of Supervisors shall hold a public hearing pursuant to public notice. The amendment or a summary setting forth the principal provisions of the amendment shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) and the second publication shall not be less than seven (7) days from the date of the hearing. The notice shall include a reference to the place within the Township where copies of the proposed amendment may be secured or examined.

(b) In case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendation at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

(c) The recommendation of the Planning Commission shall be made in writing to the Board of Supervisors within forty-five (45) days. The recommendation shall include a specific statement as to whether or not the proposed amendment is in accordance with the objectives of the Amity Township Comprehensive Plan.

(d) At least thirty (30) days prior to the hearing on the proposed amendment, the Board of Supervisors shall submit the proposed amendment to the Berks County Planning Commission for recommendations.

(e) The recommendation of the Berks County Planning Commission shall be made to the Board of Supervisors within forty-five (45) days and the proposed action shall not be taken until such recommendation is made. If, however, the County Planning Commission fails to act within forty-five (45) days, the Board of Supervisors shall proceed without its recommendation.

(f) Before voting on the enactment of a proposed amendment to this Chapter, the Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail.

(g) In the event substantial amendments are made to the proposed amendment before voting on enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ordinance 135, November 18, 1992, Section 701)

Section 702. Records. The Planning Commission and the Board of Supervisors shall keep a record of their findings, decisions and recommendations

relative to all subdivision and land development plans filed for review and action. Such records shall be made available to the public for review. (Ordinance 135, November 18, 1992, Section 702)

Section 703. Preventive Remedies.

(a) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies provided.

(b) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter.

(Ordinance 135, November 18, 1992, Section 703)

Section 704. Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars ($600.00) plus all court costs, including reasonable attorney fees incurred by the Township. Judgments shall commence or be imposed as provided for in Section 515.3 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. (Ordinance 135, November 18, 1992, Section 704)

Part 8

Appendices

Section 801. Appendix A - Application Form for Subdivision and Land Development Review. (Ordinance 135, November 18, 1992, Appendix A)

AMITY TOWNSHIP
BEKKS COUNTY PA

APPLICATION FORM FOR SUBDIVISION AND LAND DEVELOPMENT REVIEW

NAME OF DEVELOPMENT: _____

LOCATION: _____

DATE OF APPLICATION: _____

_____ SKETCH PLAN
_____ PRELIMINARY PLAN
_____ FINAL PLAN
_____ ANNEXATION PLAN
_____ MINOR SUBDIVISION PLAN
_____ REVISED PLAN OF RECORD
_____ PRD APPLICATION

_____ NEW SUBMISSION

_____ RE-SUBMISSION

LANDOWNER'S NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

APPLICANT'S NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

INTEREST: _____ EQUITABLE OWNER _____ AGENT

ENGINEER OR SURVEYOR
RESPONSIBLE FOR PLAN PREPARATION: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

TOTAL ACREAGE: _____ ACREAGE BEING DEVELOPED: _____

TOTAL NUMBER OF LOTS/UNITS: _____

TYPE OF LAND USE PROPOSED:

_____ SINGLE FAMILY DETACHED
_____ SINGLE FAMILY SEMI-DETACHED
_____ TWO-FAMILY DETACHED
_____ TOWNHOUSES
_____ APARTMENTS

_____ MOBILE HOME
_____ COMMERCIAL
_____ INDUSTRIAL
_____ MUNICIPAL
_____ OTHER

WATER SUPPLY: _____ON-LOT _____PUBLIC _____OTHER

SEWAGE DISPOSAL: _____ON-LOT _____PUBLIC _____OTHER

ZONING DISTRICT(S): _____

ZONING CONFLICTS/CHANGES: _____

LINEAR FEET OF NEW STREETS PROPOSED: _____

ARE THE PROPOSED STREETS TO BE DEDICATED?_____

TYPE OF OFF-STREET PARKING PROPOSED:
_____GARAGES _____DRIVEWAYS _____OTHER _____NONE

WILL CONSTRUCTION BE UNDERTAKEN IMMEDIATELY?_____

AVERAGE SELLING PRICE: $_____LOT $_____HOUSE/UNIT

ACREAGE PROPOSED FOR RECREATION OR OPEN SPACE:_____

I HEREBY ACKNOWLEDGE AND REQUEST REVIEW OF THIS APPLICATION. TO THE BEST OF MY KNOWLEDGE, ALL THE INFORMATION IDENTIFIED ABOVE IS TRUE, CORRECT AND COMPLETE. IN ADDITION, I HEREBY AUTHORIZE THE BOARD OF SUPERVISORS, PLANNING COMMISSION MEMBERS, ZONING OFFICER, CODE ENFORCEMENT OFFICER, TOWNSHIP MANAGER, TOWNSHIP ENGINEER, TOWNSHIP SOLICITOR AND TOWNSHIP SEWAGE ENFORCEMENT OFFICER TO ENTER THE EXTERIOR PREMISES OF THIS PROPERTY WHILE THE PROPOSED PLAN IS BEING CONSIDERED FOR MUNICIPAL APPROVAL.

APPLICANT'S SIGNATURE_____ DATE_____

LAND OWNER'S SIGNATURE_____ DATE_____

FOR MUNICIPAL USE ONLY

NAME OF APPLICATION:_____

APPLICATION DATE:_____ FILE NUMBER:_____

MUNICIPAL REVIEW FEE COLLECTED: $_____

PLANNING COMMISSION ACTION:_____
DATE:_____

BOARD OF SUPERVISORS ACTION:_____

DATE:_____

Section 802. Appendix B - Model Formats. (Ordinance 135, November 18, 1992, Appendix B)

AMITY TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

APPENDIX B
MODEL FORMATS

CERTIFICATE OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN
AND OFFER OF DEDICATION

On this, the _____ day of _____, 20___, before me, the undersigned officer, personally appeared (Name of Owner)_____, who being duly sworn according to law, deposes and says that he is the owner or equitable owner of the property shown on this Plan, that the Plan was prepared at his direction, and that he acknowledges the same to be his act and plan, and desires the same to be recorded as such according to law, and that all streets shown and not heretofore dedicated are hereby dedicated to public use.

_____ _____
Notary Public Name/Seal Owner/Equitable Owner
Commission Expiration Date

CERTIFICATE OF ACCURACY

I hereby certify that the Plan shown and described hereon is true and correct to the accuracy required by the Amity Township Subdivision and Land Development Ordinance.

_____ _____
Engineer or Surveyor Date
Seal

CERTIFICATE FOR APPROVAL BY THE PLANNING COMMISSION

At a meeting held on _____, 20___, the Amity Township Planning Commission, by motion, approved the (Name of Subdivision or Land Development Plan), as shown and described hereon.

_____ _____

_____ _____

_____

CERTIFICATE FOR APPROVAL BY THE BOARD OF SUPERVISORS

At a meeting held on _____, 20___, the Amity Township Board of Supervisors, by motion, approved the (Name of Subdivision or Land Development Plan), as shown and described hereon.

_____ _____

_____ _____

_____

Section 803. Appendix C - See Chapter XXVI, Streets, Sidewalks, Driveways and Curbs, Part 2, Street Pavings. (Ordinance 135, November 18, 1992, Appendix C)

Section 804. Appendix D - See Chapter XXVI, Streets, Sidewalks, Driveways and Curbs, Part 4, Sidewalks, Curbs and Gutters. (Ordinance 135, November 18, 1992, Appendix D)

Section 805. Appendix E - As-Built Plan Requirements. (Ordinance 165, April 26, 1999, Section 24)

APPENDIX E

AS-BUILT PLAN REQUIREMENTS

The Developer's Engineer is required to submit As-Built Plans prior to the dedication and/or acceptance of any municipal improvements within the subdivision/land development.

The following is a list of items to be provided and/or shown on the Plans:

(1) Plan Scale - no smaller than one inch (1") = fifty feet (50')
(2) Information to be shown:
  (a) Street cartway and width, including curb and/or shoulder, right-of-way with widths dimensioned and Horizontal and Vertical curve data, transitions for the curb and cartway, and street grades along centerline;
  (b) Sidewalk including width and all handicap ramps;
  (c) Driveway locations and widths;
  (d) Curb with elevations on P.C. and P.T. at intersections;
  (e) Street monuments with elevations;
  (f) Public utility lines (gas, electric, cable, telephone); or PA ONE CALL NOTE;
  (g) Storm sewer lines and all storm sewer facilities with complete information;
  (h) Public water lines and services appurtenances such as valves, hydrants, services;
  (i) Public sanitary sewer lines and all facilities; including lateral locations, lengths and depths at end of lateral;
  (j) Size (volume) by contours of detention basins;
  (k) Type and elevations of basin outlet;
  (l) Width and elevation of the basin emergency spillway;
  (m) Width and elevation of the top of the basin berm;
  (n) Street lights and signs; and
  (o) Street address for each lot.
(3) Reproducible mylars are to be furnished after the Plans have been reviewed and approved.

NOTE:
(1) The Township and/or Engineer may require additional information if deemed necessary.
(2) All Municipal improvements which are required by the Subdivision Ordinance shall be provided on the As-Built Plans.

Section 806. Appendix F - Well Abandonment Procedure. (Ordinance 165, April 26, 1999, Section 25)

APPENDIX F

WELL ABANDONMENT PROCEDURE

The sealing of abandoned water wells is covered under Act 610, Water Well Drillers Licensing Act. This regulation makes it the legal responsibility of the well owner to seal effectively any abandoned water well on their property.

Improperly abandoned wells are a threat to public health. Wells should be properly abandoned to eliminate the physical hazard, prevent groundwater contamination, maintain yield and hydrostatic head and to prevent exchange of water between various zones.

Each abandonment should be considered individually. Questions on abandonment in multi aquifer systems, limestone aquifers, screened or gravel packed wells or artesian aquifers should be referred to the regional hydrogeologist. Most of the situations that we will encounter concern wells in unconfined aquifers. The following are general guidelines for well abandonment.

Casing should be pulled or perforated unless the casing in place has been properly grouted.

Fill must be free of organic materials and naturally occurring clays. Disinfected fill material must be used. A concentration of at least one hundred (100) PPM available chlorine (per two (2) times well volume) must be achieved prior to backfilling. Sodium hypochlorite or calcium hypochlorite should be used to disinfect.

A neat cement, grout or concrete plug must be provided from near the ground surface to ten feet (10') below the top of the uncreviced bedrock or to below the casing depth, whichever is deeper. Another option is to fill the entire well with neat cement grout. All grout, cement or concrete must be placed in one continuous motion from the bottom up. It must not be dumped in from the top.

The location of the abandoned well should be fixed by "tying in" with a permanent reference point (ex: bench mark).

The abandonment of a well can become complex. When specific information about a well is available from drillers logs or physical logging methods some variation from the guidelines can be allowed. In the absence of that date the guidelines should be followed.