

Part 1

General Provisions

Section 101. Title. An Ordinance establishing regulations, specifications and restrictions for the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures including areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of land uses, in the Township of Amity, Berks County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. (Ordinance 130, December 9, 1991, Section 101)

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

Section 103. Purpose. This Part has been adopted in accordance with the requirements of Act 247 (Pennsylvania Municipalities Planning Code), as amended; with the goals, objectives and policies established within the Amity Township Comprehensive Plan (adopted in July of 1990; as amended); and with consideration for the character of the Township and its capacity to accommodate growth and development. In addition to implementing the Amity Township Comprehensive Plan, the purpose of this Part is designed:

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

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

(c) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(d) To identify, protect and preserve the physical and environmental amenities within the Township.

(e) To encourage aesthetical and innovative residential growth within the Township that will meet the needs of existing and future residents.

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

(g) To ensure through planning that public facilities and controls are adequate to accommodate future growth.

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

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

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

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

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

Section 105. Exemptions. This Chapter shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of said corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings. (Ordinance 130, December 9, 1991, Section 105)

Section 106. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Township. Where the provisions of this Chapter impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Chapter shall be complied with. Where the provisions of any other Township statute, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such other Township statute, ordinance or regulation shall be complied with unless otherwise stated in this Chapter. (Ordinance 130, December 9, 1991, Section 106)

Section 107. Community Development Objectives. This Chapter attempts to emulate through its regulations the goals and objectives of the Amity Township Comprehensive Plan. These regulations have been established with considerations to the Township's physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics. The regulations established in this Chapter reflect and portray the goals, objectives and policies of the functional components of the adopted Comprehensive Plan. (Ordinance 130, December 9, 1991, Section 107)

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

Section 109. Repealer. All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent

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

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