

## Part 9

### Supplementary Regulations

Section 901. Access To Structures. Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ordinance 130, December 9, 1991, Section 901)

Section 902. Accessory Uses or Structures.

(a) General.

(1) Except as noted elsewhere in this Chapter, no accessory building or structure shall be permitted within any required front or side yard and within ten feet (10') of the rear lot line. The minimum distance between an accessory building or structure within a rear yard and a side lot line shall be the side yard requirement of the applicable zoning district or ten feet (10'), whichever is less.

(2) No permanent accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

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

(b) Residential Provisions.

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

(2) Detached garages, greenhouses and other outbuildings are permitted as accessory uses provided they are located within the building setback lines. All such uses shall be erected, enlarged and/or demolished in accordance with all applicable Township Building Codes.

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

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

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

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

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

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

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

(c) Commercial and Industrial Provisions.

(1) Storage facilities are permitted provided that such facilities are located in areas which have direct access to a street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties.

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

(3) Restaurants, cafeterias and/or recreational facilities are permitted provided they are intended for the use of employees only, unless they are permitted as principal uses in the district in which they are constructed.

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

Section 903. Home Occupation Regulations.

(a) Permitted Uses.

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

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

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

(b) Standards.

(1) The office of a licensed medical practitioner or allied health field, dentist, architect, artist, baker (not for retail

consumption), lawyer, accountant, insurance agent, real estate broker, teacher, tax collector, engineer, dance, music or voice instructor, dressmaker, milliner or seamstress, barber or beautician, or similar occupation shall be deemed to be a "home occupation".

(2) All dwelling units which propose a home occupation use shall have direct access to a public street, provided that the occupation is secondary to the use of the property as a residence, and further that the use of the dwelling does not change the character thereof and/or have any exterior evidence of such secondary use other than a permitted sign subject to Section 927 (Signs) of this Chapter.

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

(4) The home occupation shall be limited to the principal person engaged in the home occupation and one (1) additional person to provide secretarial, clerical or other assistance.

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

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

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

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

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

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

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

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

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

The maximum grade of the area utilized for the driveway or access drive shall not exceed ten percent (10%).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 904. Residential Conversion Standards.

(a) The Zoning Hearing Board may authorize as a special exception the conversion of any single-family detached dwelling into a dwelling for not more than two (2) families, provided that the tract or lot is located within the RC (Rural Conservation), LDR (Low Density Residential) or MDR (Medium Density Residential) Zoning Districts.

(b) The lot area per family shall not be reduced to less than the minimum lot area per family.

(c) The yard, building, area and other applicable requirements for the applicable Zoning District shall not be reduced.

(d) Provisions for adequate water supply and waste disposal shall be made in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

(e) Such conversion shall be authorized only for a large building which has relatively little economic value or usefulness as a single-family detached dwelling or other conforming use.

(f) If such conversion is authorized, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

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

Section 905. Agricultural Use Regulations.

(a) General Agricultural Standards.

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

(2) The raising and ownership of horses, cattle and/or livestock is permitted in all districts provided the minimum lot size exceeds two (2) contiguous grazeable acres. The total number of horses, cattle and/or livestock shall not exceed one (1) for all lots with less than three (3) contiguous grazeable acres. For each additional contiguous grazeable acre over two (2), the total number of horses, cattle and/or livestock may be increased by one (1) per acre. For each additional contiguous grazeable acre over five (5), the total number of horses, cattle and/or livestock shall not exceed three (3) per acre up to a maximum total of fifty (50).

(3) The raising and ownership of goats, sheep and/or similar livestock exceeding fifty (50) pounds in weight is permitted in all districts provided the minimum lot size exceeds two (2) contiguous grazeable acres. The total number of goats, sheep and/or similar livestock shall not exceed five (5) for all lots with less than five (5) contiguous grazeable acres. For each additional contiguous grazeable acre over five (5), the total number of goats, sheep and/or similar livestock shall not exceed five (5) per acre up to a maximum total of one hundred (100).

(4) The raising and ownership of poultry is permitted in all districts provided the minimum lot size exceeds one (1) contiguous acre. The total number of birds shall not exceed ten (10) per acre for all lots under five (5) acres in size. For each additional acre over five (5) acres, the total number of birds shall not exceed fifty (50) per acre up to a maximum of one thousand five hundred (1,500).

(5) The raising and ownership of rabbits is permitted in all districts. The total number of rabbits shall not exceed five (5) per acre for all lots under five (5) acres in size. For each additional acre over five (5) acres, the total number of rabbits shall not exceed twenty-five (25) per acre up to a maximum of seven hundred fifty (750).

(6) The display and sale of farm products shall be permitted provided that at least seventy-five percent (75%) of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than twenty feet (20') from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924 of this Chapter.

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

(b) Intensive Agricultural Standards.

(1) Unless specifically stipulated within this Chapter, intensive agricultural activities are a permitted use by conditional use within the RC (Rural Conservation) and by special exception within the LDR (Low Density Residential) Zoning Districts in the Township. Intensive agricultural activities shall be prohibited in all other Zoning Districts.

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

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

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

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

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

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

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

(9) The display and sale of farm products shall be permitted provided that at least seventy-five percent (75%) of the quantity of products for sale have been produced on the property on which they are offered for sale. The sale of farm products shall be conducted in a structure or stand which shall not be located closer than twenty feet (20') from the applicable street right-of-way. In addition, all off-street parking shall be designed in accordance with Section 924.

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

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

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

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

(14) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the local, state and/or federal regulatory agencies.

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

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

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

Section 906. Recreational Use Regulations. The following standards and controls shall apply to all government, non-profit, private and/or community recreational uses:

(a) All active outdoor recreational areas shall be set back fifty feet (50') from all lot lines.

(b) No buildings shall be constructed within fifty feet (50') from any lot line.

(c) No buildings or impervious surfaces shall be constructed on lands which have been classified and identified as part of the Environmental Protection Overlay District (Part 5).

(d) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the neighborhood from inappropriate noise, light and other disturbances.

(e) Land areas which are not designated for buildings and impervious surfaces shall be planted with an adequate all-season ground cover which is consistent with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(f) No driveway or access street shall be located within fifty feet (50') from the intersection of any Township, State or private street. The intersections and interior traffic circulation pattern shall be designed to prohibit through traffic and minimize substantial traffic congestion and hazards. All roads designed for interior circulation shall be constructed in accordance with all applicable Township standards and specifications.

(g) Parking facilities shall be required and designed in accordance with all Township standards and specifications.

(h) All parking areas, driveways and/or streets shall be provided with a lighting system which shall furnish adequate illumination at any point, and shall be designed to prevent glare which could be hazardous or uncomfortable to drivers in the area. Lights shall be screened to prevent spill or glare onto adjacent residential areas. In addition, the standards indicated under Section 922 (Lighting) shall be applicable for all design specifications.

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

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

Section 907. Design Standards for Commercial and Industrial Uses. All proposed commercial and industrial uses shall be designed in accordance with all land development requirements and procedures pursuant to Act 247, as amended, and all Township codes and ordinances. (Ordinance 130, December 9, 1991, Section 907)

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

(a) Air Management.

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

(2) No gases, vapors, odors and/or particulates shall be emitted from the facility which are detrimental to persons, property, animals or vegetation. No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.

(3) No odors causing annoyance or discomfort to the adjacent residents shall be detectable beyond the property lines of the commercial or industrial site on which such odors originate.

(4) The Air Pollution Control Act of 1960, P.L. 2119 of the Commonwealth of Pennsylvania, as amended, in conjunction with "Chapter 131 - Ambient Air Quality Criteria" and "Chapter 123 - Standards for Contaminants" of "Title 25 - Rules and Regulations" 1971, as amended, shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.

(b) Noise and Vibration Control.

(1) No continuous noise in excess of the following limits shall be permitted at the property line of the site on which the noise sources originate:

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS (IN DECIBELS)

Along Residential District Boundaries		Along Commercial/Industrial District Boundaries Or Lot Lines	
Between Frequency Band: Cycles Per Sound	Between 12 A.M. & 6 A.M.	6 A.M. & 12 A.M.	
20 - 75	63	71	73
76 - 150	53	64	66
151 - 300	47	58	60
301 - 600	41	53	55
601 - 1,200	37	49	52
1,201 - 2,400	35	47	50
2,401 - 4,800	33	46	48
4,801 - 10,000	32	44	47

(2) Noise which is not smooth and continuous and is not radiated between the hours of 12:00 a.m. and 6:00 a.m. may exceed the maximum levels listed above by the following number of decibels:

Amount of Time in Any One (1) Hour Period	Increase In Decibels*
Not more than twelve (12) minutes	5
Not more than three (3) minutes	10
Not more than one (1) minute	15

\* Applicable for only one (1) increase.

(3) The levels of all sound pressure testing shall be measured with a sound level meter and an octave band analyzer that

conforms to the specifications published by the American Standards Associates.

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

(c) Glare and Heat Control. Any operation producing intensive light, glare and/or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the sites boundary lines.

(d) Wastewater Management.

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

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

(e) Solid Waste Management.

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

(2) All solid waste materials awaiting transport shall be properly screened and concealed from the view of all adjacent properties. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate existing and projected volumes of solid waste.

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

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

(f) Outdoor Storage Control.

(1) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks or drums of less than six hundred (600) gallons of fuel which is directly connected with engines, heating devices or appliances located and operated at the same site as the tanks or drums of fuel and which have been approved by the Township or State where applicable.

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

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

(4) No substance which has the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards which are satisfactory to

the Township and the Pennsylvania Department of Environmental Protection.

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

(g) Utility Management and Control.

(1) All commercial and industrial uses requiring energy in the form of electric, diesel, gas, oil, etc. shall comply with the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed and installed so as to be an integral part of the architectural features of the site.

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

(h) Electromagnetic and Radioactive Radiation Control. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission (FCC), provided that no electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

(i) Violations. Proprietors who have been cited for any violation(s) subject to this Section shall be responsible for applicable costs incurred by the Township through background investigations, legal proceedings, retributions and rectification measures.

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

Section 909. Temporary Structures. A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction or other special circumstances of a discontinuing nature. The time period of the initial permit shall be one (1) year, which may be renewed for three (3) month time periods up to and not exceeding one (1) year. The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to the Township. (Ordinance 130, December 9, 1991, Section 909)

Section 910. Outdoor Storage.

(a) Outdoor storage of any type shall not be permitted unless such storage conforms to the normal functions and procedures conducted on the premises. Outdoor storage of any type shall be prohibited, if such storage is considered and/or construed as unsightly, malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.

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

(c) Exterior fuel tanks or drums utilized for residential uses shall be stored in approved above ground containers not exceeding three hundred twenty-five (325) gallons. All such containers shall be directly

connected with the appropriate heating devices, fuel pumps or agricultural appliances. All containers and connections shall be reviewed, approved and/or permitted by the appropriate agencies.

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

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

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

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

Section 911. Prohibited Uses. No building or structure may be erected, altered or used, and no lot or premises may be used, for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions. (Ordinance 130, December 9, 1991, Section 911)

Section 912. Front Yard Exceptions. When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the Ordinance and the improvements are located within one hundred feet (100') of the unimproved lot. For the purpose of this Section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected. (Ordinance 130, December 9, 1991, Section 912)

Section 913. Flag Lots. Flag lots or key hole lots are prohibited in all zoning districts within the Township. All lots developed or created shall meet or exceed the required lot width for the zoning district in which it is located. (Ordinance 130, December 9, 1991, Section 913)

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

Section 915. Visibility at Intersections. On every corner lot, a yard equal in depth to the front yard requirement of the zoning district in which the corner lot is located shall be provided on each side of the lot which is adjacent to a street. (Ordinance 130, December 9, 1991, Section 915)

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

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

(b) No fence or wall, except a security fence or decorative retaining wall, shall exceed six feet (6') in height. All proposed fences and walls shall be designed and constructed in accordance with the specifications and proceedings of the Township Planning Commission or the Zoning Officer.

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

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

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

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

Section 917. Corner Lot Restrictions. Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except street signs, traffic lights or signs, utility poles and mail boxes, which impedes vision between a height of three feet (3') and ten feet (10') above the centerline grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be one hundred fifty feet (150') measured in each direction along the through street from the point of the intersection of the street centerlines and from a point forty feet (40') behind the right-of-way of the intersecting street from the stop controlled street. Whenever a portion of the clear sight triangle occurs behind the building setback line, such portion shall be shown on the subdivision plan, and shall be considered a building setback line. (Ordinance 130, December 9, 1991, Section 917; as amended by Ordinance 215, July 5, 2005, Section 1)

Section 918. Projections Into Yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

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

(b) Open balconies or fire escapes and projecting architectural features such as bay windows, cornices, eaves, roof overhang, chimneys and window sills, provided that all such features shall project no more than five feet (5') into any required yard and shall not be located closer than six feet (6') to any lot line (except lot lines which are the projection of common walls).

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

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

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

Section 920. Height Exceptions.

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

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

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

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

Section 921. Swimming Pools. Swimming pools shall be defined as a fixed body of water, twenty-four inches (24") or more in depth and with a water surface area of one hundred (100) square feet or more, that is utilized for the purpose of swimming and bathing. Such swimming pools may be entirely or partially above ground. Swimming pools shall be classified as a residential accessory use. The following standards provided below shall supplement those standards provided in Section 902 (Accessory Uses or Structures).

(a) The pool, filters, pumps and other mechanical or structural equipment shall not be permitted within the front yard, the side yard setbacks and/or within ten feet (10') of the rear lot line.

(b) Any flood lighting or other illumination used in conjunction with the pool shall be shielded and directed away from adjacent property owners.

(c) The pool shall be completely enclosed by a fence or wall not less than four feet (4') in height. If the enclosure is a fence, the vertical and horizontal interfaces shall be no more than two inches (2") apart. All gates shall be equipped with locks.

(d) Above ground pools over four feet (4') in height do not need to be enclosed by a fence or wall, but the ladders serving the pool shall be locked in an inaccessible position at least four feet (4') above the ground or removed and locked up elsewhere.

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

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

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

Section 923. Off-Street Loading Areas.

(a) Paved off-street loading and unloading spaces, with proper access from a street, common driveway or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or substantially altered. All such areas for the loading and unloading of vehicles, and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities or pedestrian ways. All loading areas shall be paved. Loading areas shall not be located within required front yards and shall not be located within ten feet (10') of any side or rear lot line.

(b) All such spaces shall have dimensions not less than twelve feet (12') by forty five feet (45') with a clearance of not less than fourteen feet (14') in height. Spaces required shall be determined by the following table and shall be located exclusive of any public right-of-way or required parking area.

OFF-STREET LOADING SPACE REQUIREMENTS

<u>Gross Floor Area (Square Feet)</u>	<u>Spaces Required</u>
Office building	
First 20,000 or fraction thereof	One (1)
Each additional 40,000 square feet	One (1)
Warehousing or wholesaling establishment	
First 10,000 or fraction thereof	One (1)
10,001 to 60,000	One (1) plus one additional space for each 25,000 square feet in excess of 10,000 square feet
60,001 and over	Three (3) spaces plus one (1) additional space for each 50,000 square feet in excess of 60,000 square feet

Other Principal Uses

First 10,000 or fraction thereof	One (1)
10,001 to 40,000	One (1) plus one (1) additional space for each 15,000 square feet in excess of 10,000 square feet
40,001 and over	Three (3) spaces plus one (1) additional space for each 30,000 square feet in excess of 40,000 square feet

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

Section 924. Off-Street Parking Facilities.

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

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

(b) Standards.

(1) Each parking space shall have a minimum area of two hundred (200) square feet and minimum dimensions of ten feet (10') by twenty feet (20'). In addition, appropriate driveways, aisles and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley or driveway shall be provided.

(2) Parking spaces for residential uses shall be located on the same lot as the use served. Parking spaces for other uses shall be provided for on the same lot as the use being served, or in parking facilities within three hundred feet (300') of the use, except in the case of a shopping center or similar grouping of buildings on a lot, in which case all parking areas shall be provided entirely within the lot lines of the property.

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

(4) Joint parking facilities for two (2) or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.

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

(6) All common parking areas and access drives shall be paved. They shall have marked parking spaces, shall be graded to provide convenient vehicular access and proper drainage and shall be maintained in usable condition. The maximum grade of areas used for parking shall not exceed five percent (5%), and the maximum grade of access drives shall not exceed ten percent (10%). Surface water shall not be concentrated onto public sidewalks and other premises.

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

(8) Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Chapter for a similar new building or use.

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

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

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

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

(12) Where parking requirements are determined by the number of seats and no permanent seats are provided, only temporary seats, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage.

(13) Parking areas shall be arranged so that no portion of any vehicles parked within a designated parking space can extend over any property line of the lot on which it is parked.

(14) Parking areas for non-residential uses which are designed to contain more than three (3) vehicles shall be screened from the view of persons on any land zoned RC, LDR, MDR and MHP which is adjacent to the land on which the non-residential parking area is located.

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

(16) Non-Conforming Parking Areas. No major repairs, substantial alterations or extensions to any building shall be permitted unless the plans for such change shall provide for bringing the entire property into conformance with all of the provisions of this Section as if an application were being made for

a permit to erect or construct all of the existing and proposed buildings and structures on undeveloped ground.

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

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

(18) The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor and customer parking. Minimum off-street parking requirements shall conform to the specifications under Subsection 924(c).

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

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

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

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

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

(4) Retail and Service Establishments. One (1) space for each one hundred fifty (150) square feet of gross floor area.

(5) Office Buildings. One (1) space for each two hundred (200) square feet of gross floor area.

(6) Motel, Hotel, Tourist Home or Similar Establishments. One (1) space for each rental unit plus one (1) space for each employee on the largest shift.

(7) Medical, Dental and Paramedical Offices and Clinics. Eight (8) spaces for each person engaged in practice.

- (8) Nursing Home, Convalescent Home or Home for the Aging. One (1) space for each employee plus one (1) space for each four (4) beds.
- (9) Hospital. One and one-half (1-1/2) spaces per bed.
- (10) Funeral Home. One (1) space for each four (4) seats.
- (11) Roadside Farm Stand. Not less than five (5) spaces.
- (12) Drive-In Eating Establishment (no indoor seating provided). One (1) space for each two thousand (2,000) square feet of lot area or one (1) space for every twenty-five (25) square feet of gross floor area, whichever is greater, plus one (1) space for each full-time employee on the largest shift.
- (13) Bowling Alley. Five (5) spaces per alley.
- (14) Auditorium, Gymnasium, Theater, Municipal Building, Place of Worship, Club or Lodge, Cafeteria Utilized for Public Assemblage, or Other Place of Public Assemblage. One (1) space for every three (3) seats.
- (15) Library or Museum. One (1) space per three hundred (300) square feet of gross floor area.
- (16) Nursery Schools. One (1) space per employee plus one (1) space for loading and unloading of children for each five (5) children accommodated in the school.
- (17) Elementary and Junior High Schools. One (1) space per employee plus ten (10) spaces per classroom. Refer to requirement (14) for additional requirements.
- (18) High Schools. One (1) space per four (4) students plus one (1) space for each employee. Refer to requirement (14) for additional requirements.
- (19) Skating Rink, Swimming Pools, Dance Hall, Indoor Recreational Establishment. One (1) space per fifty (50) square feet devoted to patron use.
- (20) Motor Vehicle Service Station or Repair Garage. Two (2) parking spaces per service bay.
- (21) Continuing Care Retirement Community. One (1) parking space per independent living unit and one (1) parking space for every four (4) beds in assisted living and nursing or skilled units, plus one (1) parking space for each employee on the largest shift.
- (22) Commercial Retirement Community. One and one-half (1 ½) off-street parking spaces for each dwelling unit and one (1) parking space for each two hundred (200) square feet of gross floor area of a Community Center.
- (23) Age Restricted Housing. Two (2) off-street parking spaces shall be required for each dwelling unit plus one (1) parking space shall be required for each two hundred (200) square feet of gross floor area of a Community Center.

For any building or use not covered above, or for any combination of uses set forth above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed building or use.

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

Section 925. Driveways.

(a) No driveways shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or street.

(b) All driveways shall be so constructed and maintained that the materials of which the driveways are made will not wash nor be deposited upon public roads.

(c) Driveways serving single-family residential dwelling units shall not exceed fourteen percent (14%) in grade. Driveways exceeding seven percent (7%) in grade shall be paved.

(d) Driveways serving multi-family residential dwelling units and non-residential developments shall not exceed ten percent (10%) in grade and shall be paved.

(e) All driveways shall be located, designed and constructed as to provide optimum sight distance at their intersection with the street. The Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) provides standards and guidelines for calculating site distances.

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

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

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

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

Section 926. Highway Frontage Development.

(a) All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area.

(b) Each use with less than one hundred feet (100') of frontage on a public street shall have not more than one (1) accessway to each such street. No use with one hundred feet (100') or more frontage on a public street shall have more than two (2) accessways to any one (1) street for each three hundred feet (300') of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from an arterial street or major collector.

(c) Where there is more than one (1) driveway to a parking area, the driveways, whenever possible, shall be limited to one (1)-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits, measured at the street line, shall conform to the following schedule:

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

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

(e) The location and width of exit and entrance driveways shall be planned so as not to interfere with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets. The center line of the access driveway on to or from any public street shall be located at least seventy-five feet (75') from the intersection of any street lines.

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

Section 927. Signs.

(a) Purpose and Application.

(1) The purposes of the regulations contained under this Section are to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.

(2) Signs existing at the date of enactment of this Ordinance and which do not conform to the requirements of this Chapter shall be considered non-conforming signs. Once a non-conforming sign is removed, it may be replaced only with a conforming sign. Non-conforming signs may be repaired or repainted provided that the modifications do not exceed the dimensions of the existing sign.

(b) Definitions.

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

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

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

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

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

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

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

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

(c) Area Standards.

(1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(2) The area of a sign, painted upon or applied to a building, shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.

(3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

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

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

(2) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.

(3) Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.

(4) Temporary signs of contractors, developers, architects, engineers, builders and artisans erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.

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

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

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

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

(e) Permitted Signs - Residential Districts. The following signs are permitted in the RC (Rural Conservation), LDR (Low Density Residential), MDR (Medium Density Residential) and the MHP (Mobile Home Park) zoning districts.

(1) Home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one (1) such sign shall be erected for each permitted use or dwelling, provided that the area of such sign shall not exceed two (2) square feet and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten feet (10') of the cartway.

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

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

(4) Signs denoting membership in agricultural associations or cooperatives or indicating specialization in a particular breed

of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign per ten feet (10') of road frontage.

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

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

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

(1) Free-standing temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of any one (1) side of the sign does not exceed thirty-two (32) square feet, that there shall be no more than one (1) such sign on each street frontage, and that no sign shall be erected so as to stand higher than one (1) of the buildings it advertises. For the purposes of this Chapter, multi-family dwelling premises shall not be advertised by temporary real estate signs for more than twelve (12) months after building construction is completed.

(2) Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a sales or rental office or sample apartment.

(3) Developments containing a total of twenty-five (25) or more multi-family dwelling units may provide a sign for the purposes of identifying the name of the development. All such signs shall be limited to one (1) sign per entrance to the development and a maximum of thirty-two (32) square feet per sign. Signs identifying the individual buildings within the project shall not exceed two (2) square feet.

(4) All illuminated signs, signs which emit light or Electronic Message Display Signs shall not be permitted in any planned residential developments or multi-family developments.

(g) Permitted Signs - Commercial and Industrial Districts. The following signs are permitted in the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI/O (Light Industrial/Office) zoning districts and no other.

(1) Business or industrial wall or freestanding signs on the same lot as the use to which it relates, in accordance with the following standards and specifications:

(i) The total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building front facade length, however, not to exceed one hundred sixty (160) square feet for any one (1) use.

(ii) All freestanding signs shall be of the monument type as depicted in Diagram 1204 set forth in Section 1204 of this Chapter and shall not exceed fifteen feet (15') in height. The monument style sign(s) shall be included in the total sign square footage permitted herein.

(iii) No more than two (2) freestanding signs shall be permitted per lot.

(iv) Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the HC (Highway Commercial) and SCC (Shopping Center Commercial) zoning districts. Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the portions of the LI/O (Light Industrial/Office) zoning district which immediately adjoin United States Route 422 (either East or West bound) and for an area of one hundred fifty feet (150') from the edge of the cartway of said road. Such Electronic Message Display Signs shall be no larger than fifty (50) square feet or twenty-five percent (25%) of the total allowable signage for a property pursuant to Subsection 926(g)(1) hereof, whichever is less. Such Electronic Message Display Signs shall also conform to the standards and specifications as set forth in Subsection 926(h)(6).

(2) Special temporary promotional devices, signs or displays shall be permitted on the outside of a building provided they are not on display for a total period of thirty (30) cumulative days in any given year.

(3) Off-site advertising signs may be erected and maintained within the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI/O (Light Industrial/Office) zoning districts which immediately adjoin United States Route 422 (either East or West bound) and for an area of one hundred fifty feet (150') from the edge of the cartway of said road. In addition, the following standards and specifications shall apply:

(i) All off-site advertising signs shall have a maximum display area of two hundred (200) square feet per sign face with a maximum width of twenty-five feet (25'), inclusive of any border, and shall have no more than one (1) in each direction.

(ii) Two (2) sign faces may be utilized only in the back-to-back arrangement, in which case they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than fifteen feet (15') apart.

(iii) All off-site advertising signs shall be constructed on a steel unipole support meeting the industry-wide standards and shall be designed and certified as accurate and of sound construction quality by a registered and certified professional engineer whose signature and seal shall appear on the face of said plan along with said certification.

(iv) All off-site advertising signs shall conform to the building height restrictions of the district controlling the location of the structure. The height shall be measured from the bed of the street, road, highway or alley to the highest part of the sign or supporting structure.

(v) No off-site advertising sign shall be erected within one thousand feet (1,000') in any direction of any other advertising sign.

(vi) No off-site advertising sign shall be erected closer than twenty feet (20') to the cartway or as specified by the Pennsylvania Department of Transportation.

(vii) All off-site advertising signs shall be maintained in good and safe structural condition. The painted portion of all off-site advertising signs shall be kept in good condition.

(viii) The general area in the vicinity of all off-site advertising signs shall be kept free and clear of sign material and debris and adhere to any and all Township ordinances, including the Weed Control Ordinance now in effect or as hereinafter amended.

(ix) All newly erected off-site advertising signs shall conform to all applicable federal, state and local laws, rules and regulations.

(x) Off-site advertising signs may be illuminated provided that the lighting shall be arranged in a manner which shall protect neighboring properties and streets or roadways from direct glare, beams or rays and shall not be of such intensity or brilliance to cause impairment of the vision of any driver or operator of any vehicle nor create hazardous interferences of any kind.

(xi) No off-site advertising signs shall be erected within one hundred fifty feet (150') of any intersection of any public roadway with United States Route 422, and no off-site advertising sign shall be erected or placed in any manner so as to interfere with or impede the unobstructed vision of a motor vehicle operator attempting to enter on or exit from any intersection with a public or private roadway, any driveway or any parking facility adjacent to U.S. Route 422.

(xii) No off-site advertising sign shall be erected or maintained without the owner thereof having first obtained a permit from the Township, which shall be issued by the Zoning Officer or other party designated by the Board of Supervisors, only upon receipt of a written application completed in duplicate, signed by the applicant and accompanied by five (5) copies of a plan of the property or tract of land, prepared to scale, depicting dimensional limits of the sign face, the perimeter boundaries as taken from the deed for said tract, identifying the current owner of the tract, all adjacent owners, the location and dimensions of United States Route 422 in relation to the tract, the next closest intersecting public roadways and any driveways or parking areas within one hundred fifty feet (150') of the site, the proposed location of the sign area to be transferred in fee or controlled by lease and any and all easements or utility installation affecting such site and accompanied by five (5) copies of a plan of the sign prepared to scale depicting the supporting structure and the specifications of the materials and methods of construction

and maintenance to be employed, signed and certified by a registered licensed professional engineer.

(xiii) Permit applications shall be reviewed by the Zoning Officer and the Township Engineer for compliance with this Chapter and, upon approval by both, a permit shall be issued to remain in effect for a period of three (3) years from the date of issuance of the permit, subject to renewal for additional three (3) year intervals upon written reapplication and presentation of documentation establishing applicant's continued compliance with the terms and conditions of this Chapter concerning weed control, maintenance, illumination and other terms not to include the location of the site itself but to include any terms or conditions appearing on the face of the permit.

(xiv) Permit applications shall be accompanied by a check or cash in full satisfaction of an initial application fee to be established by resolution of the Board of Supervisors in an amount not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or a reapplication fee to be established by resolution of the Board of Supervisors in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

(xv) Electronic Message Display Signs as off-site advertising signs shall be in accordance with the standards and specifications as set forth in Section 926(g)(3) and Subsection 926(h)(6).

(h) Supplementary Sign Regulations. The following supplementary sign regulations shall apply to all zoning districts in the Township:

(1) Projection. No sign shall project more than twelve inches (12") from the building facade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

(2) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular district in which they are located.

(3) Illumination. Signs, other than Electronic Message Display Signs, may be lighted with nonglaring lights; provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.

(4) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five feet (5') of any side lot line.

(5) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days' notification, be removed by the Township at the

expense of the owner or lessee of the property on which it is located.

(6) Electronic Message Display Signs. The following standards and specifications shall apply to Electronic Message Display Signs:

(i) PennDOT Regulations. 36 P.S. Section 2718.101 et seq., 67 Pa. Code, Chapter 445 and PennDOT Strike-off letter 430-02.16, dated April 24, 2002.

(ii) Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing or varying of light intensity.

(iii) Minimum Display Time. Each message on the sign must be displayed for a minimum of five (5) seconds.

(iv) Message Change Sequence. A maximum of three-tenths of one second (0.3 seconds) of time with no message displayed shall be provided between each message displayed on the sign and there shall be no scrolling, traveling, frame effects, flashing, fading or dissolving of the image as herein defined.

(Ordinance 130, December 9, 1991, Section 927; as amended by Ordinance 164, April 26, 1999, Sections 25-30; as further amended by Ordinance 176, December 11, 2000, Section 1; as further amended by Ordinance 225, May 16, 2006, Section 1; as further amended by Ordinance 237, June 5, 2007, Section 1)

Section 928. Hazardous Areas.

(a) Purpose and Application.

(1) The Township Planning Commission and/or the Board of Supervisors may identify areas of the Township such as, but not limited to: mine holes; quarries; sinkholes; waterways; areas of naturally occurring physical features; areas of naturally occurring minerals or chemicals; areas containing hazardous, contaminated or toxic waste; waste disposal areas; and/or waste storage areas which are considered hazardous or contaminated. These areas could endanger the public health, safety or welfare by presenting potential hazards to life, health or property if development occurs in the vicinity of such hazardous areas.

(2) The hazardous areas shall continue to be considered as such until, after recommendation by the appropriate State, Federal, or County agency, the Township Supervisors determine that the hazards have been eliminated or adequate safeguards against such hazards have been provided.

(b) Standards.

(1) No occupied building or well shall be located within five hundred feet (500') of an identified hazardous area, except as noted in Subsection (2) below.

(2) An occupied building or well may be located within five hundred feet (500') of an identified hazardous area provided that a sufficient number of excavations, borings and/or groundwater tests have been conducted within the area. The test results shall conclusively determine that the soil, geology and/or groundwater conditions are not considered hazardous to the occupant(s). The accuracy of all test results and/or conclusions shall be certified by a qualified professional. All wells located within five hundred feet (500') of the hazardous area shall be re-tested every two (2) years by a certified laboratory to determine if the water is potable. All costs incurred for the sampling and laboratory analysis shall be incurred by the property owner.

(Ordinance 130, December 9, 1991, Section 928)

Section 929. Public Utility Standards. The restrictions of this Chapter shall not apply to any existing or proposed building or extension thereof used by any public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ordinance 130, December 9, 1991, Section 929)

Section 930. Commercial Campground Standards. Commercial campgrounds are permitted by special exception in the RC (Rural Conservation) and LDR (Low Density Residential) zoning districts, and by conditional use in the HC (Highway Commercial) zoning district. The applicant shall be subject to the following conditions:

(a) The minimum area for such uses shall be twenty five (25) acres.

(b) The application for special exception use shall be accompanied by three (3) copies of a detailed development plan for the site. One (1) copy shall be retained for use by the Zoning Hearing Board and a copy shall be forwarded by the Zoning Hearing Board to the Planning Commission and to the Township Engineer for review and comment prior to the hearing on the special exception use.

(c) Permanent structures in the area shall be limited to one (1) residence and one (1) retail store with sales limited to items for the convenience of campers, and accessory structures including an office, maintenance buildings and storage areas. All such structures shall be located no less than two hundred feet (200') from any property line and the nearest public road right-of-way line.

(d) Fifty feet (50') wide buffer yard shall be provided adjacent to all property lines and public road right-of-way lines. The buffer yard shall contain a "high intensity buffer screen" as defined in Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances and shall contain suitable plantings of vegetation which create an effective screen. In addition, the buffer yard shall meet all pertinent standards specified under Subsection 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(e) No campsite shall be located closer than one hundred feet (100') from any adjoining property line or public road right-of-way line.

(f) No less than ten percent (10%) of the gross site area shall be devoted to recreational facilities including children's play areas and adult recreation areas.

(g) Campsites for both tents and recreational vehicles shall be limited to ten (10) sites per acre.

(h) The minimum area of a campsite shall be two thousand five hundred (2,500) square feet and shall be so dimensioned, improved and arranged that when occupied no part of any unit including accessory attachments shall be within ten feet (10') of any designated campsite lot line.

(i) Roads and accessways shall be provided in such a manner so that ingress and egress for each campsite lot can be had without encroaching or entering upon any other campsite lot.

(j) Each campsite shall be occupied by only (1) one unit, be it tent, trailer or camper.

(k) No permanent structures shall be permitted on any campsite lot other than fireplaces.

(l) Occupancy at a campsite shall only be permitted between the months of February through November. All camping units unoccupied for a period of seventy-two (72) hours shall not be permitted to remain on the campsite. Occupancy at a campsite shall not be permitted in the months of December and January.

(m) Recreational vehicles may be stored on the grounds in a designated storage area, screened by a "high intensity buffer screen" from view of abutting properties and public roads in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. The buffer yard shall meet all pertinent standards specified under Subsection 517, generally, and Subsection (g)(3)(viii), specifically, of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(n) No part of any campground area shall be used for non-residential purposes, except those purposes required for serving the well-being of the campground customers and for the management and maintenance of the campground.

(o) The development plans, proposed and submitted in accordance with the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances), shall indicate campsites, parking, roads, utilities, sewage disposal facilities, recreation areas, permanent buildings and any other significant features thereof.

(p) A fire prevention and protection plan approved by the local fire chief having jurisdiction thereover shall be submitted with the development plans.

(Ordinance 130, December 9, 1991, Section 930; as amended by Ordinance 229, December 19, 2006, Sections 18 & 19)

Section 931. Multi-Family Developments. Multi-family developments containing townhouses and apartments are permitted by special exception in the MDR (Medium Density Residential) zoning district. If a special exception is granted by the Zoning Hearing Board, the following conditions shall also apply:

(a) The minimum amount of land in the development shall be ten (10) acres.

(b) The development shall be served by public or community sewage disposal and water supply facilities.

(c) The overall density of the development shall not exceed three (3) dwelling units per acre.

(d) The maximum building height shall be thirty-five feet (35').

(e) A minimum of thirty percent (30%) of the gross area of the development shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5). The common open space shall be planned as a contiguous area located and designed for the maximum benefit of all residents within the development. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Common open space areas may be reserved for private use or dedicated to the Township if acceptable to the Township. For land which is not dedicated to the Township, written agreements satisfactory to and approved by the Board of Supervisors shall be made for the perpetual preservation and maintenance of the undedicated common open space areas.

(f) A system for pedestrian circulation throughout the development shall be provided.

(g) The maximum length of an apartment building shall be one hundred fifty feet (150').

(h) The number of townhouses, or other units in combination with townhouses, shall not exceed eight (8) contiguous residential dwelling units.

(i) No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.

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

(k) No townhouse shall be located within thirty feet (30') of any street right-of-way line.

(l) The minimum width of a townhouse shall be twenty feet (20').

(m) No apartment building shall be located within fifty feet (50') of any street right-of-way line.

(n) No more than twenty percent (20%) of the total area of the development shall be covered by buildings.

(o) No more than thirty percent (30%) of the total area of the development shall be covered by impervious surfaces.

(p) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides and all trash and rubbish shall be contained in vermin-proof containers.

(q) Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate areas in which emergency and commercial vehicles can safely maneuver.

(r) Common parking areas and access drives shall be located a minimum of twenty feet (20') from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of fifteen feet (15') from all street rights-of-way.

(s) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.

(t) Parking areas shall be designed to prevent through traffic to other parking areas. No more than sixty (60) parking spaces shall be accommodated in any one (1) parking area. All common parking areas shall be sufficiently screened and landscaped in accordance with the standards specified under Subsection 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(u) Entrances to and exits from common parking areas shall be located a minimum of one hundred feet (100') from the point of intersection of the nearest street curb lines.

(Ordinance 130, December 9, 1991, Section 931; as amended by Ordinance 164, April 26, 1999, Section 31; as further amended by Ordinance 229, December 19, 2006, Section 20)

Section 932. Single-Family Semi-Detached Developments. Single-family semi-detached developments are permitted as a conditional use in the MDR (Medium Density Residential) zoning district and by a special exception in the MHP (Mobile Home Park) zoning district. If permitted the following conditions shall also apply:

(a) Single-family semi-detached developments shall comply with the minimum and maximum dimensional requirements specified below. All minimum and maximum dimensional requirements shall be imposed on each individual dwelling unit.

<u>Minimum Regulations</u>	<u>On-Lot Sewage &amp; Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage &amp; Water Facilities</u>
Lot Area*	2 acres	30,000 sq. ft.	6,000 sq. ft.
Lot Width*	150 feet	100 feet	50 feet
Building Setback*	40 feet	40 feet	40 feet
Rear Yard*	30 feet	30 feet	20 feet
Side Yard*	30 feet	20 feet	20 feet
Buffer Yard* (depth)	10 feet	10 feet	10 feet
<u>Maximum Regulations</u>			
Building Height*	35 feet	35 feet	35 feet
Lot Coverage*	20 percent	30 percent	40 percent
Woodland Extr.*	30 percent	40 percent	60 percent

\*Per Dwelling Unit

(b) In addition to these standards and specifications, all proposed developments containing single-family semi-detached dwellings shall be designed and constructed in accordance with all pertinent Township ordinances.

(Ordinance 130, December 9, 1991, Section 932; as amended by Ordinance 164, April 26, 1999, Section 32; as further amended by Ordinance 229, December 19, 2006, Section 21)

Section 933. Two-Family Detached Dwelling Developments. Two (2)-family detached developments are permitted by special exception in the MDR (Medium Density Residential) and MHP (Mobile Home Park) zoning districts. If a special exception is granted the following conditions shall also apply:

(a) Two (2)-family detached developments shall comply with the minimum and maximum dimensional requirements specified below.

<u>Minimum Regulations</u>	<u>On-Lot Sewage &amp; Water Facilities</u>	<u>Public Sewage or Water Facilities</u>	<u>Public Sewage &amp; Water Facilities</u>
Lot Area	2 acres	60,000 sq. ft.	20,000 sq. ft.
Lot Width	200 feet	170 feet	100 feet
Building Setback	50 feet	50 feet	40 feet
Rear Yard	40 feet	40 feet	30 feet
Side Yard			
Total	60 feet	60 feet	40 feet
Each Side	30 feet	30 feet	20 feet
Buffer Yard (depth)	10 feet	10 feet	10 feet
<u>Maximum Regulations</u>			
Building Height	35 feet	35 feet	35 feet
Lot Coverage	20 percent	20 percent	30 percent
Woodland Extr.	30 percent	30 percent	40 percent

(b) In addition to these standards and specifications, all proposed two (2)-family detached developments shall be designed and constructed in accordance with all pertinent Township ordinances.

(Ordinance 130, December 9, 1991, Section 933; as amended by Ordinance 229, December 19, 2006, Section 22)

Section 934. Tourist, Bed and Breakfast, Rooming or Boarding Houses. Tourist, bed and breakfast, rooming or boarding houses are permitted by special exception in the RC (Rural Conservation), LDR (Low Density Residential) and MDR (Medium Density Residential) zoning districts. If a special exception is granted the following conditions shall also apply:

(a) A tourist, bed and breakfast, rooming or boarding house shall be permitted only in a single-family detached, owner-occupied dwelling unit. The principal use shall remain that of a single-family detached residential dwelling unit.

(b) A tourist, bed and breakfast, rooming or boarding house shall not have more than five (5) rental units and shall not house more than ten (10) guests.

(c) Each house shall contain complete washing and bathing facilities and a central kitchen with complete cooking facilities. No cooking facilities of any kind shall be permitted in any rental unit.

(d) A minimum of one (1) off-street parking space shall be required for each occupant and guest of the house.

(e) The applicant shall provide documentation to the Board of Supervisors that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities comply with all applicable ordinances, regulations and laws of the Township and/or the Commonwealth of Pennsylvania.

(Ordinance 130, December 9, 1991, Section 934)

Section 935. Junkyard Standards. Junkyards are permitted by special exception in the LI/O (Light Industrial/Office) zoning district. If a special exception is granted by the Zoning Hearing Board, the following conditions shall apply:

(a) All junk yards shall be enclosed with a fence a minimum of six feet (6') in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.

(b) A fifty feet (50') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas used for the storage of junk material. The buffer screen shall sufficiently screen all stored junk material and fencing from the view of adjacent property owners and from the road. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(c) All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. No materials of any nature shall be piled to a height of more than six feet (6') from the ground.

(d) All liquids and/or fluids shall be drained from any junk or scrapped automobiles. Liquids and/or fluids in an amount not exceeding ten (10) gallons may be stored above ground in approved containers. Gasoline which is kept on the premises shall not exceed one thousand (1,000) gallons, and shall be stored above ground in a manner approved by the Pennsylvania Department of Environmental Protection (PA DEP), Underwriter Laboratories and/or the State Fire Marshall. No garbage or organic waste shall be permitted to be stored on any junk yard.

(Ordinance 130, December 9, 1991, Section 935; as amended by Ordinance 229, December 19, 2006, Section 23)

Section 936. Solid Waste Disposal Facilities. Solid waste disposal facilities, including landfills and resource recovery facilities, are permitted by special exception in the LI/O (Light Industrial/Office) zoning district. If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed under Subsection 936(a) (Solid Waste Landfills and Low Level Radioactive Waste Facilities) and under Subsection 936(b) (Resource Recovery Facilities).

(a) Solid Waste Landfills and Low Level Radioactive Waste Facilities. For the purposes of this Chapter, the following terms shall be defined as follows:

Solid Waste Landfill. A site in which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation.

Low Level Radioactive Waste Facility. A site in which engineering principles are utilized for the disposal of low level radioactive waste as defined by the United States Environmental Protection Agency and by the PA Department of Environmental Protection.

If a special exception to permit a solid waste landfill and/or a low level radioactive waste facility, the applicant shall be subject to all conditions, standards and controls listed below:

(1) The solid waste landfill and/or low level radioactive waste facility shall be owned and operated solely by the Township or a municipal authority by and on behalf of the Township.

(2) The minimum lot area shall be fifty (50) acres.

(3) The construction and operation of a solid waste landfill and/or low level radioactive waste facility shall not be permitted unless a permit for such solid waste landfill and/or low level radioactive waste facility has been issued by the Pennsylvania Department of Environmental Protection and the solid waste landfill and/or low level radioactive waste facility is constructed and operated in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Pennsylvania Department of Environmental Protection. Operation of any solid waste landfill and/or low level radioactive waste facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Department of Environmental Protection, the regulations of the Department of Environmental Protection and the provisions of this Chapter. In the event that any of the provisions of this Chapter are less restrictive than any present or future rules or regulations of the Department, the more restrictive Department rules and regulations shall supersede and control in the operation of such solid waste landfill and/or low level radioactive waste facility.

(4) A solid waste landfill and/or low level radioactive waste facility operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a solid waste landfill and/or low level radioactive waste facility.

(5) Burning of solid waste is prohibited at a solid waste landfill and/or low level radioactive waste facility. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Township.

(6) Gaseous and particulate emission from the solid waste landfill and/or low level radioactive waste facility site shall

conform to the prevailing federal, state and local air pollution control codes and regulations.

(7) Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the solid waste landfill and/or low level radioactive waste facility. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

(8) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the solid waste landfill and/or low level radioactive waste facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(9) An equipment cleaning area shall be provided on-site. All equipment used to grade and compact waste at the solid waste landfill and/or low level radioactive waste facility shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(10) Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every solid waste landfill and/or low level radioactive waste facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six feet (6') high and shall be kept in good repair and neatly painted in a uniform color.

(11) No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at any entrance and/or access road of the solid waste landfill and/or low level radioactive waste facility prior to 6:30 a.m. Overnight parking shall be prohibited.

(12) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the solid waste landfill and/or low level radioactive waste facility shall be inspected for debris on a daily basis.

(13) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be disposed of in a solid waste landfill and/or low level radioactive waste facility.

(14) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill and/or low level radioactive waste facility.

(15) Salvaging of materials as permitted by law shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightly conditions or health hazards. The storage of salvage

shall be controlled in a manner that will not permit the inhabitation or reproduction of deleterious vectors.

(16) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25, Pennsylvania Code, and applicable Township ordinances so that there is no adverse off-site impact from the drainage of surface water. Cracks in, depressions in, and/or erosion of cover shall be repaired daily.

(17) Operation of any solid waste landfill and/or low level radioactive waste facility shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.

(18) An operation permit shall be obtained on an annual basis on or before June 1st.

(19) A final inspection of the entire site shall be made by the Department of Environmental Protection and the Township and their authorized representative to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the solid waste landfill and/or low level radioactive waste facility project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two (2) years following completion of the solid waste landfill and/or low level radioactive waste facility. A bond shall be posted to ensure that all corrective work is completed.

(20) The initial application for a solid waste landfill and/or low level radioactive waste facility shall be accompanied by impact statements. A plan for the reuse of the land shall be submitted, in writing, to the Board of Supervisors at the time of securing a permit for a solid waste landfill and/or low level radioactive waste facility operated by the municipal authority. The plan shall be in compliance with the prevailing zoning at the time of application.

(21) Maximum active dumping area shall be three (3) acres. Continued operation of the solid waste landfill and/or low level radioactive waste facility shall be subject to compliance with all state and Township regulations pertaining to solid waste landfill and/or low level radioactive waste facility.

(22) No operation, activity use, or occupation of any type shall be carried on within one hundred feet (100') of any property line of the solid waste landfill and/or low level radioactive waste facility or within one hundred feet (100') of any street right-of-way. In addition, a solid waste landfill and/or low level radioactive waste facility shall not be located within three hundred feet (300') of any residential zoning district or occupied residential dwelling unit.

(23) The storage of fuel to be used on the solid waste landfill and/or low level radioactive waste facility site shall be

in accordance with all applicable federal, state and Township regulations.

(24) A chain link fence with a minimum height of fifteen feet (15') shall be erected along all boundary lines of the area which is approved for operational use as a solid waste landfill and/or low level radioactive waste facility by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

(25) A one hundred fifty feet (150') wide area with "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas approved for operational use as a solid waste landfill and/or low level radioactive waste facility by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the solid waste landfill and/or low level radioactive waste facility, except at the entrances. The selected evergreens (Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows throughout the buffer yard. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. A landscaping plan shall be submitted to the governing body for review and approval.

(26) The solid waste landfill and/or low level radioactive waste facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weigh receipts shall be submitted to the Township on a quarterly basis.

(b) Resource Recovery Facilities. For the purposes of this Chapter, the following terms shall be defined as follows:

Resource Recovery Facility. A facility or land that is used for any one (1) or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer. A resource recovery facility shall be owned and operated by the Township or a municipal authority by and on behalf of the Township.

Composting Facility. A facility for the composting of the organic matter in municipal solid waste.

Incinerator. A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

Refuse Derived Fuel (RDF) Facility. The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

Municipal Solid Waste. The unseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

Recycling Facility. A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

Transfer Station. A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

If a special exception is granted, then the applicant is subject to all conditions, standards and controls listed below:

(1) The resource recovery facility shall be owned and operated solely by the Township or a municipal authority by and on behalf of the Township.

(2) The minimum lot size shall be ten (10) acres.

(3) Parking areas shall be a minimum of one hundred feet (100') from any property line.

(4) Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Department of Environmental Protection (PA DEP) and the provisions of this Chapter. In the event that any of the provisions of this Chapter are less restrictive than any present or future rules or regulations of PA DEP, the more restrictive PA DEP regulations shall supersede and control.

(5) Gaseous and particulate emission from the resource recovery facility site shall conform to the prevailing federal, state and local air pollution control codes and regulations.

(6) Direct access shall be taken from an arterial or collector highway. No more than one (1) access road shall be constructed to the entrance of the resource recovery facility. The access road shall be an all-weather paved surface road negotiable by and capable of supporting loaded solid waste collection vehicles. All existing public roads shall be kept mud free.

(7) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the resource recovery facility shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(8) An equipment cleaning area shall be provided on-site. All equipment used to grade and compact solid waste at the resource recovery facility shall be cleaned daily. Runoff from the equipment cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.

(9) Access to the site shall be limited to those posted times when an attendant is on duty. Unloading of waste shall be continuously supervised. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six feet (6') high and shall be kept in good repair and neatly painted in a uniform color.

(10) No site activity shall be permitted on Sundays or legal holidays. Dumping shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at any entrance and/or access road of the resource recovery facility prior to 6:30 a.m. Overnight parking shall be prohibited.

(11) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the resource recovery facility shall be inspected for debris on a daily basis.

(12) Hazardous, contaminated and/or toxic materials, including but not limited to highly flammable materials, explosives, pathological wastes and radio-active materials, shall not be disposed of at the resource recovery facility.

(13) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited at the resource recovery facility.

(14) All parts of the process-unloading, handling and storage of municipal solid waste shall occur within a building. However, certain separated recyclable materials such as glass, aluminum and other metals may be stored outdoors. The storage of paper shall be within a building. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

(15) No municipal solid waste shall be stored at a resource recovery facility for more than seventy-two (72) hours.

(16) A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.

(17) Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least two hundred feet (200') from any property line and stored in leak proof containers. Such process waste shall be disposed of in a sanitary resource recovery facility approved by PA DEP or in another manner approved by PA DEP.

(18) Solid waste landfill operations and open burning of any materials are not permitted under this use.

(19) No use shall emit noise in such quantity as to be audible beyond its lot lines. In addition, the nuisance standards (Section 908) of this Chapter shall be met.

(20) An operational permit shall be renewed on an annual basis on or before June 1st.

(21) No operation, activity, use or occupation of any type shall be carried on within two hundred feet (200') of any property line of the resource recovery facility or within two hundred feet (200') of any street right-of-way. In addition, a resource recovery facility shall not be located within three hundred feet (300') of any residential zoning district or occupied residential dwelling unit.

(22) A resource recovery facility shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate such a facility.

(23) The storage of fuel to be used at the resource recovery facility site shall be in accordance with all applicable federal, state and Township regulations.

(24) A chain link fence with a minimum height of fifteen feet (15') shall be erected along all boundary lines of the area which is approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Protection. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours.

(25) A one hundred fifty feet (150') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(viii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas approved for operational use as a resource recovery facility by the Pennsylvania Department of Environmental Protection. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the resource recovery facility, except at the entrances. The selected evergreens (Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows throughout the buffer yard. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. A landscaping plan shall be submitted to the governing body for review and approval.

(26) The resource recovery facility shall contain an on-site scale, and all solid waste material delivered to the site shall be weighed and recorded pursuant to the Pennsylvania Solid Waste Management Act, as amended. All weigh receipts shall be submitted to the Township on a quarterly basis.

(Ordinance 130, December 9, 1991, Section 936; as amended by Ordinance 164, April 26, 1999, Sections 33-35; as further amended by Ordinance 229, December 19, 2006, Sections 24-25)

Section 937. Adult Business Uses. Adult business uses are permitted as a conditional use in the HC (Highway Commercial) zoning district. If a conditional use is granted by the Board of Supervisors, then the applicant is subject to all conditions and standards specified below:

(a) No adult business use shall be located within one thousand feet (1,000') of any other existing adult business use, as measured from the property lines on which the adult business use is proposed to be located.

(b) No adult business use shall be located within two hundred feet (200') (measured from the property line) of any residential zoning district.

(c) No adult business use shall be located within five hundred feet (500') (measured from the property line) of any churches, monasteries, chapels, convents, rectories, public playgrounds, public parks, public swimming pools or public libraries.

(d) No adult business use shall be located within one thousand feet (1,000') (measured from the property line) of any schools up to or including the twelfth (12<sup>th</sup>) grade or equivalent, and their adjacent recreation areas.

(e) All storage and displays shall be located within the building.

(f) All business transactions that are conducted on the premises shall be within an enclosed building. All adult business uses shall operate between the hours of 9:00 a.m. and 9:00 p.m.

(g) All applications for adult business uses shall be accompanied by a site plan. The minimum information required on the site plan shall include:

(1) The adult business use intended.

(2) The location and elevation of all buildings, structures, walls, fences and landscaping on the site.

(3) Off-street parking areas and traffic circulation patterns.

(4) The location, dimensions and content of all signs, displays and advertising.

(h) Applications for adult business uses shall include a statement providing specific information on each individual, partner, store manager(s), corporate officer, corporate director or corporate stockholders owning more than three percent (3%) of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following:

(1) Complete name;

(2) Residential address;

(3) Telephone number.

(i) In the event of the proposed sale, resale or reassignment of interest of an adult business use established under the terms of this Chapter, the Board of Supervisors shall be notified of such proposed

change of ownership. Such notification shall include the documentation required in Subsection (h) of this Section. Failure to notify the Board of Supervisors shall constitute grounds for the termination or revocation of the conditional use permit.

(j) In addition to other applicable regulations of the Township and state laws, the following shall apply to all adult business use signs and other visible messages:

(1) Sign messages shall be limited to written descriptions of material or services available on the premises.

(2) Sign messages shall not include any graphic or pictorial depiction of material related to specific sexual activities or anatomical areas.

(3) Advertisements, displays or other promotional materials related to specific sexual activities or anatomical area shall not be shown or exhibited so as to be visible to the public from the exterior of the building.

(4) Adult business uses shall be limited to two (2) square feet in sign area, with lettering on said signs not exceeding four inches (4") in height.

(5) The entrance of the adult business should include a sign warning all individuals that the premises is classified as an adult business.

(Ordinance 130, December 9, 1991, Section 937)

Section 938. Shopping Centers. Shopping centers are permitted by right in the SCC (Shopping Center Commercial) zoning district and shall be subject to all conditions and standards specified below:

(a) Shopping centers shall consist of harmonious land uses, structures and services.

(b) Shopping centers shall be in single ownership or under a guaranteed unified management control. The shopping center must have at least one (1) on-site manager or a designated individual whose office and residence is located within a reasonable distance of the Township as determined appropriate by the Board of Supervisors. The owner shall provide the Township with a complete list of on-site managers or designated individuals on an annual basis. The list shall include the name, address and telephone number of each on-site manager or each designated individual.

(c) Permitted uses shall include retail business establishments; personal business establishments; business, professional or banking offices; restaurants, cafes or similar use; and accessory uses associated with shopping centers.

(d) All means of ingress and/or egress shall be located at least two hundred feet (200') from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (PennDOT) or the Township. The developer

will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(e) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

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

(g) All lot lines shall be screened by a buffer screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed shopping centers shall conform to the area, yard and height regulations that are specified under Subsection 406(d) of this Chapter.

(k) All proposed shopping centers, including all expansions, additions and/or revisions, are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 938; as amended by Ordinance 229, December 19, 2006, Section 26)

Section 939. Professional Office/Research Park. Professional office/research parks are permitted by right in the HC (Highway Commercial), LI/O (Light Industrial/Office) and SCC (Shopping Center Commercial) zoning districts. All proposed professional office/research parks shall be subject to all pertinent conditions and standards specified below:

(a) Office/research parks shall consist of harmonious land uses, structures and services.

(b) Permitted uses shall include business, professional or governmental offices; laboratory and research facilities; and accessory uses associated with office/research parks.

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

(d) All means of ingress and/or egress shall be located at least two hundred feet (200') from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (Penn DOT) or the Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(e) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

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

(g) All lot lines shall be screened by a buffer screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed office/research parks shall conform to the individual area, yard and height regulations that are specified under Subsection 407(e) of this Chapter.

(k) All proposed office/research parks, including all expansions, additions and/or revisions, are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 939; as amended by Ordinance 229, December 19, 2006, Section 27)

Section 940. Industrial Parks. Industrial parks are permitted by right in the LI/O (Light Industrial/Office) zoning district and shall be subject to all conditions and standards specified below:

(a) Industrial parks shall consist of harmonious land uses, structures and services.

(b) Permitted uses shall include manufacturing activities; printing and publishing facilities; warehouse facilities; wholesale and

distribution facilities; business, professional or governmental offices; laboratory and research facilities; and accessory uses associated with industrial parks.

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

(d) All means of ingress and/or egress shall be located at least two hundred feet (200') from any other intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The developer shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation (PennDOT) or the Township. The developer will also be responsible for any pertinent traffic studies that may be required by the Township, the County and/or PennDOT.

(e) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. Areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.

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

(g) All lot lines shall be screened by a buffer screen in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances with a minimum depth of twenty feet (20'). The buffer yard shall be consistent with all standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(h) Exterior storage areas for trash and rubbish shall be properly screened. All containers shall be air-tight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within thirty feet (30') from any lot line.

(i) All signs shall be consistent with Section 927 of this Chapter.

(j) All proposed industrial parks shall conform to the individual area, yard and height regulations that are specified under Subsection 407(e) of this Chapter.

(k) All proposed industrial parks, including all expansions, additions and/or revisions, are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 940; as amended by Ordinance 229, December 19, 2006, Section 28)

Section 941. Quarrying and Mining Operations. Quarrying and mining operations are permitted by special exception in the LI/O (Light Industrial/Office) zoning district. If a special exception is granted, then the applicant is subject to all conditions and standards specified below:

- (a) The minimum lot size shall be ten (10) acres.
- (b) Quarrying and/or mining activities shall not be conducted within two hundred feet (200') of any property line, within two hundred feet (200') of any street right-of-way, within three hundred feet (300') of any residential zoning district, and/or within three hundred feet (300') of any occupied residential dwelling unit.
- (c) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized activities, the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade, fence or gate shall be at least six feet (6') high and shall be kept in good repair.
- (d) No site activity shall be permitted on Sundays or legal holidays. All operations shall be permitted only between the hours of 7:30 a.m. and 5:30 p.m. No vehicles shall be staged or parked at any entrance and/or access road of the site prior to 6:30 a.m. Overnight parking shall be prohibited.
- (e) Measures shall be provided to control dust and debris. The entire area shall be kept clean and orderly. The perimeter of the site shall be inspected for debris on a daily basis.
- (f) Truck access shall be designed to minimize traffic hazards and inconveniences. All interior roadways shall be maintained and constructed by the operator. All trucks leaving the site shall not deposit accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- (g) A tire cleaning area shall be provided on-site. All tires of all trucks leaving the site shall be cleaned. Runoff from the tire cleaning area shall be controlled and disposed of in accordance with all pertinent federal, state and/or Township standards.
- (h) A chain link fence with a minimum height of fifteen feet (15') shall be erected along all boundary lines of the area which is approved for operational use as a quarry or mine. The fence shall not contain openings greater than four (4) square inches and shall contain, at all entrances, gates which are locked except during operating hours. Warning signs shall be placed on the fence at intervals of no more than one hundred feet (100').
- (i) A one hundred fifty feet (150') wide area with two (2) "high intensity buffer screens", in accordance with Subsection (g)(3)(vii) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances, shall completely surround all areas approved for operational use as a quarry or mine. The buffer yard shall consist of a dense evergreen screen, and is to be located and maintained along all boundary lines of the site, except at the entrances. The selected evergreens (Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances) shall have a minimum height of twelve feet (12') and shall be staggered on twelve feet (12') centers in multiple rows

throughout the buffer yard. No materials of any nature shall be stored within this buffer yard. In addition, the buffer yard shall meet all pertinent standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances. A landscaping plan shall be submitted to the governing body for review and approval.

(j) All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall be permitted between the hours of 1:00 p.m. and 5:00 p.m. and shall not be permitted on Sundays and legal holidays. Notice of all blasting operations shall be given at least twenty-four (24) hours prior to the commencement of blasting to the Township and to the occupants of all properties within a radius of one (1) mile of the location of blasting. In addition, notice shall be given to all sensitive business ventures requesting such notice.

(k) The storage of explosives shall be in accordance with all pertinent federal, state and local laws.

(l) Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of the same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.

(m) No substances which can harm persons, animals, vegetation or other form of property shall be dispersed beyond the property lines of the quarrying or mining operation.

(n) Quarrying or mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. When required by the Township, a hydrologic study shall be submitted to the Township which shall indicate the impact of the surface mining activity on the ground water supplies and quality in the area of the operations.

(o) All requirements of Federal, State and municipal statutes, ordinances and regulations pertaining to the operation of quarrying and mining operations shall be complied with. A copy of all permits and licenses shall be filed with the Township.

(p) All proposed quarrying and mining activities are subject to the policies and provisions regarding land development specified in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 941; as amended by Ordinance 229, December 19, 2006, Section 29)

Section 942. Repealed.

Section 943. Solar Energy Systems.

(a) General Standards.

(1) The use of solar energy systems, including solar collectors, storage facilities and distribution components, for space heating and cooling and for hot water heating is a permitted use in all zoning districts.

(2) All developments and/or structures shall be oriented to the fullest extent possible to maximize the use of passive and/or active solar applications as would be appropriate for the site.

(3) Solar energy collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations specified for the zoning district.

(4) Apparatus necessary for the operation of solar energy systems, such as overhangs, moveable insulating walls and roofs, and reflectors may project up to six feet (6') into required yard setbacks provided that they are not located within six feet (6') of any property line.

(5) Detached solar collectors used solely for such purposes shall be considered permissible accessory structures in all zoning districts.

(b) Solar Access.

(1) To obtain solar access protection, the owner of a solar collector shall file a statement with the Zoning Officer that a solar energy system has been installed. At such time the owner shall also document that he has located his solar collector on his property to obtain maximum protection from future lawful buildings or structures located on adjoining properties. In addition, the owner shall document the land and airspace which must remain open to assure adequate solar access to his collector.

(2) The solar collector shall be used as part of the functioning solar energy system.

(3) After the effective date of this Ordinance, no one shall erect a building or other structure, and/or plant a tree, shrub or other flora, so as to block a solar collector's access to solar energy between the hours of 9:00 a.m. and 3:00 p.m.

(Ordinance 130, December 9, 1991, Section 943)

Section 944. Filling, Excavating and Grading.

(a) All activities which require the moving of earth or the filling or excavating of an area shall submit a plan to the Township showing site grading and erosion control measures.

(b) The existing grade of an area shall not be increased so that unstable slopes are created.

(c) The surface area of any yard adjacent to a building or structure shall be graded so that the surface water will be drained away from such structure.

(d) Topsoil shall not be stripped from any site within the Township unless it is directly affiliated with the subdivision and/or development of land. Unless permitted by the Board of Supervisors, topsoil shall not be removed from any site within the Township.

(e) The on-site burial of trees, stumps or construction materials is prohibited. Trees and stumps may be chipped and spread on the site.

(Ordinance 130, December 9, 1991, Section 944)

Section 945. Regulations for Cellular Communications Antennae. In recognition of the quasi-public nature of cellular communications systems, the following regulations shall apply:

(a) Purpose.

(1) To accommodate the need for cellular communications antennae while regulating their location and number in the Township.

(2) To minimize adverse visual effects of cellular communications antennae and antenna support structures through proper design, sighting and vegetative screening.

(3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering and proper sighting of antenna support structures.

(4) To encourage the joint use of existing and any new antenna support structures, to reduce the number of such structures needed in the future.

(b) Use Regulations.

(1) A cell site with antenna that is attached to an existing communications tower, smokestack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than fifteen feet (15'). If the antenna is to be mounted on an existing structure, a full Site Plan shall not be required.

(2) A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen feet (15') higher than the structure on which it is mounted, is permitted by special exception in all zoning districts.

(3) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted as an accessory structure in the zoning district in which the cell site is located.

(4) Antenna may be mounted to an existing public utility transmission tower as a use by right provided that the standards for approval of all cellular communication antenna as set forth in Subsection 945(d) herein are adhered to in all respects.

(c) Standards for Approval of Special Exception.

(1) The cellular communications company and/or applicant is required to demonstrate, using technological evidence, that the

antenna must be located where it is proposed in order to satisfy its function in the company's and/or applicant's grid system.

(2) If the cellular communications company and/or applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of the tall structures within a one-quarter (1/4) mile radius from the proposed site, requested permission to install the antenna on those structures, and was denied for reasons other than economic reasons. Tall structures include, but are not limited to, smokestacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The Zoning Officer may deny the applications to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

(d) Standards For Approval of All Cellular Communication Antennae.

(1) Antenna Height. For a cell site with antennae that is not mounted on an existing structure, the maximum height shall be one hundred fifty feet (150') feet. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily and shall reduce the height of the antenna or support structure as technology permits. No antenna that is taller than the minimum height shall be approved.

(2) Setbacks From Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure, or any guy wire anchors and any property line shall be the largest of the following:

- (i) One hundred percent (100%) of antenna height;
- (ii) The minimum setback of the underlying Zoning District; or
- (iii) Forty feet (40').

(3) Antenna Support Structure Safety.

(i) The applicant shall demonstrate that the proposed antenna and support structure are safe, and the surrounding areas will not be affected negatively by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. The applicant shall submit a copy of a Certificate of Insurance evidencing general liability coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of One Million Dollars (\$1,000,000) per occurrence covering the proposed communications tower and communications antennas. Said insurance coverage shall be maintained during the useful life of the subject antennae and/or support structure. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(ii) All antenna, antenna support structures, cross bars, lattice towers, monopoles, repeaters and communication towers generally must meet the American National Standards

Institute, Electrical Industry Association, Telecommunications Industry Association steel tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Township. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements and certify proper construction of the foundation and erection of the tower, including the ability to carry multiple antenna.

(iii) There shall be no inhabited structures or overhead electrical transmission lines within a two hundred feet (200') foot radius of the tower, unless such tower is mounted on a pre-existing utility transmission pole.

(iv) All communication tower owners shall provide the Township with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all Federal Communications Commission regulations, including electromagnetic radiation limitations.

(v) If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.

(vi) The owner of any communication tower shall be required to routinely submit to the Township, proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.

(vii) No communications tower shall be allowed within one and one-half (1-1/2) miles of another tower unless it is demonstrated that no existing structure or communications tower is suitable, structurally or electronically, or that a commercially reasonable agreement could not be reached with the owner(s) of such existing structure.

(viii) If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell site should be established.

(ix) In addition to the above, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that all applicable plans must be submitted for

review and approval for any development application for a communication tower.

(4) Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be between six feet (6') and eight feet (8') in height, shall not contain openings greater than nine (9) square inches, shall contain gates which are kept locked at all unoccupied times and shall otherwise comply with the height regulations set forth in the Amity Township Zoning Ordinance.

(5) Landscaping. Landscaping shall be required to screen as much of the support structure as possible. Screening should be planted near the fence surrounding the support structure, and any other ground level features (such as a building) and, in general, to soften the appearance of the cell site. The landscape screening shall comply with the regulations set forth in Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances this Chapter. This screening shall be a "site element screen" as set forth in Subsection (h) of Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(6) In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular communication companies, and the local police, fire and ambulance companies.

(7) The cellular communication company and/or other applicant must demonstrate that it is licensed by the Federal Communications Commission and that it is in compliance with any requirements of the Federal Aviation Administration.

(8) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.

(9) Access. Access shall be provided to the antennae, support structure and/or accessory structure by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface for its entire length.

(10) Signage and Lighting. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(11) Antenna support structures under one hundred fifty feet (150') in height shall be painted silver or shall have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees, and must, to the greatest extent possible, be consistent with the surrounding landscape.

(12) A full Site Plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access and all other items required by the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). The Site Plan shall not be required if the antenna is to be mounted onto an existing structure.

(13) If a communications tower remains unused for a period of twelve (12) consecutive months, the owner(s) of the land, the operator and/or the lessee shall dismantle and remove the communications tower within six (6) months of the expiration of said twelve (12) month period.

(Ordinance 160, April 27, 1998, Section 2; as amended by Ordinance 166, October 11, 1999, Sections 1-3; as further amended by Ordinance 229, December 19, 2006, Section 30)

Section 946. Blasting and Detonation Requirements.

(a) All general blasting and/or detonation operations shall conform with the regulations enforced by the applicable agencies of the Commonwealth of Pennsylvania and the federal government.

(b) Blasting and/or detonation operations shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m. and shall not be permitted on Sundays and holidays.

(c) Written notice of all blasting and/or detonation operations shall be given at least twenty-four (24) hours prior to the commencement of blasting and/or detonation to the Township and to the occupants of all properties within a radius of one thousand feet (1,000') of the location of the blasting and/or detonation. In addition, notice shall be given to the regional fire department, police department and all sensitive business ventures.

(d) All blasting and/or detonation operations shall be conducted by a licensed contractor. A copy of the license and certificate of insurance shall be provided to the Township at least twenty-four (24) hours prior to the commencement of blasting.

(e) The storage of explosives shall be in accordance with all pertinent federal, state and local laws.

(Ordinance 164, April 26, 1999, Section 36)

Section 947. Kennels.

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

(b) The minimum area for a kennel operation shall be ten (10) acres.

(c) No animal shelter shall be located within two hundred feet (200'), as measured from any property line.

(d) The sewage disposal system and water supply system shall be sized and permitted for the proposed use. The storage of any manure or animal waste shall be kept in an enclosed structure and located at least three hundred feet (300') from any property line. A plan for manure management shall be submitted to the Township for review and approval.

(e) Retail sales of related items shall be limited to a maximum floor area of one thousand (1,000) square feet. Shows and/or competitions which occur on the property shall be limited to one (1) per year.

(f) The perimeter of the kennel operation shall be enclosed with a fence with minimum height of eight feet (8') with gates.

(Ordinance 164, April 26, 1999, Section 36)

Section 948. Woodland Extraction.

(a) Woodland extraction is hereby defined as the clear cutting of mature trees (six inches (6") or more in caliper) to provide area for development on an individual lot.

(b) Each established zoning district within the Township has specific limitations for woodland extraction. Where zoning district regulations for woodland extraction are not specified, the maximum area which can be cleared for development and related improvements shall be fifty percent (50%) per lot.

(c) Trees of twenty-four inches (24") and greater diameter breast height (DBH) shall not be removed unless the Applicant can demonstrate that there is no practical alternative. Exceptions can be granted for undesirable invasive species of for trees in poor health.

(d) Replacement tree plantings shall be provided for any tree of six inches (6") or greater DBH that is removed. For each tree of six inches (6") to twelve inches (12") DBH removed, one (1) two and one-half inch (2-1/2") caliper replacement tree must be provided. For each tree of twelve inches (12") to twenty-four inches (24") DBH removed, two (2) two and one-half inch (2-1/2") caliper replacement trees must be provided. For each tree of twenty-four inches (24") or greater DBH removed, five (5) two and one-half inch (2-1/2") caliper replacement trees must be provided. If the required replacement trees cannot fit on site, the Township may require a fee-in-lieu to be used for conservation purpose on Township owned land.

(e) For each tree to be preserved, a tree protection zone shall extend a distance from the tree trunk equal to twelve (12) times the trunk diameter. Thus, a twenty inch (20") DBH tree would have a circular tree protection zone twenty feet (20') in radius. Within the tree protection zone, no disturbance, material stockpiling, foot or vehicle traffic shall be permitted. Prior to the start of construction, the tree protection zone shall be delineated around the trees to be preserved with orange construction fencing or other fencing deemed suitable by the Township.

(Ordinance 164, April 26, 1999, Section 36; as amended by Ordinance 192, September 16, 2002, Section 15)

Section 949. Other Dwelling Types or Land Uses. Other dwelling types or uses, not specifically or adequately identified within this Chapter, may evolve after the enactment of this Ordinance or were not uses commonly in use at the time of the enactment of this Ordinance. From time to time, however, such dwelling types or land uses may become reasonable or appropriate. It is the

purpose of this Chapter to provide for all reasonable and appropriate uses and it is the purpose of this Section to establish a mechanism for inclusion of such additional dwelling types or uses within the Township. Therefore, the following provisions shall apply:

(a) The landowner shall submit a request for inclusion of a specific dwelling type or use to the Board of Supervisors and the Township Planning Commission with illustrations and explanatory information which fully describe the dwelling type or use and the manner in which the proposed dwelling type or use substantially differs from the permitted uses in this Chapter.

(b) The Township Planning Commission shall review the submission and advise the Board of Supervisors. The Planning Commission shall determine if the proposed dwelling or use falls within any of the permitted use classifications of this Chapter, is a variation of a permitted use or is an exotic use which is not reasonable or appropriate.

(c) All proposed dwelling types and uses which are not accounted for in this Chapter shall be considered by the Board of Supervisors and the Township Planning Commission as an application for a conditional use as set forth under Part 11 of this Chapter.

(d) It is the intent of this Chapter that reasonable and appropriate dwelling types or uses be permitted in the zoning district in which it is most suited. The purpose and intent of each zoning district is described within the Township Comprehensive Plan Update, the Township Act 537 Plan Update and this Chapter. All proposed dwelling types or uses shall be consistent with these documents.

(e) Such reasonable and appropriate dwelling types or uses shall be permitted in the zoning district(s) for which it is most suited subject to the dimensional requirements and other requirements set forth by the Board of Supervisors. All applications which are not reasonable or appropriate for the zoning district in which it is proposed may be rejected by the Board of Supervisors.

(f) If required by the Board of Supervisors, a land development plan shall be submitted to the Township for review and approval.

(Ordinance 164, April 26, 1999, Section 36)

Section 950. Exportation and/or Extraction of Groundwater. The commercial exportation and/or extraction of groundwater in the Township shall only be permitted by conditional use in the Highway Commercial (HC) zoning district. If a conditional use is granted by the Township Board of Supervisors, the following conditions shall apply:

(a) The commercial exportation and/or extraction of groundwater within the Township shall only be permitted by a company which is certified and licensed by the Public Utility Commission.

(b) The facility operations shall be approved and permitted by the Delaware River Basin Commission, the Pennsylvania Department of Environmental Protection and any other agency having jurisdiction over the facility operations.

(c) The minimum area for total facility operations shall be twenty-five (25) acres.

(d) The minimum isolation distance between the proposed source of groundwater extraction and an existing water supply facility shall be a minimum of three hundred feet (300').

(e) The pumping or extraction of groundwater for the facility operations shall not operate for a cumulative time period exceeding twelve (12) hours per day.

(f) A dynamic recovery rate and draw-down tests shall be conducted by the applicant to determine the maximum safe daily yield of the commercial facility operations. All such dynamic recovery rate and draw-down tests shall be subject to the approval of the Township Engineer.

(g) The applicant shall prepare and submit a study prepared by a professional hydrogeologist certifying that the commercial facility operations will be supplied by a continuous safe daily yield which will not adversely affect the groundwater table or existing water supply sources within one thousand feet (1,000') of the source of extraction. The conclusions of the study shall be subject to the approval of the Township Engineer.

(h) All such applications for the commercial extraction or exportation of groundwater shall demonstrate that the adjacent water supply sources will not be effected by discontinued use, contamination, loss of supply or the ability to properly recharge over time. Where deemed appropriate or required by the Township Engineer, the applicant shall comply with all pertinent regulations for community water supply as specified under the Township Subdivision and Land Development Ordinance, as amended (see Chapter XXVII of the Township Code of Ordinances).

(i) A land development plan shall be submitted to the Township which demonstrates compliance with all provisions specified under this Section and all other pertinent regulations adopted by the Township.

(Ordinance 164, April 26, 1999, Section 36)

Section 951. Self-storage Units.

(a) Self-storage units shall be defined as a building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property.

(b) Self-storage units are a permitted use by right within the Highway Commercial (HC) zoning district, subject to the following requirements:

(1) The minimum gross lot area for a self-storage operation shall be two (2) acres.

(2) The minimum front yard setback shall be sixty feet (60'), as measured from the ultimate right-of-way line of the public street in which it has frontage.

(3) The minimum side yard setback shall be thirty feet (30'), as measured from each side lot line.

(4) The minimum rear yard setback shall be sixty feet (60'), as measured from the rear lot line.

(5) A buffer yard shall be established within the required front, side and rear yards of the lot in which the self-storage units are proposed. Unless otherwise directed by the Planning Commission, the minimum depth of the required buffer yard shall be twenty-five feet (25'). The buffer yard shall be consistent with the standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(6) A landscaping plan shall be prepared and submitted to the Township for review. The contents of the proposed landscaping plan shall be subject to the approval of the Planning Commission.

(7) A complete land development plan shall be prepared and submitted to the Township for review. The proposed land development plan shall be subject to the approval of the Township.

(8) The self-storage units must be enclosed and contained by a security fence with a twenty-four (24) hour automated access gate. The type, location, height and arrangement of the security fence and automated access gate shall be subject to the approval of the Planning Commission. Where required by the Planning Commission, additional landscaping materials shall be provided in order to screen the security fence from all public roads and all adjacent properties.

(9) The outdoor storage and/or parking of recreational vehicles, boats, campers, trailers or similar vehicles shall only be permitted behind the proposed buildings and/or within the rear yard of the lot. The required buffer yard should conceal the view of all such vehicles.

(10) The entrance and all vehicular access aisles shall be a minimum of twenty-four feet (24') in width and shall be unobstructed by vehicles and/or equipment. The entrance or main entrance shall be paved from the cartway of the public road to a point twenty-five feet (25') within the automated access gate.

(11) All exterior lighting and signs for the self-storage operation shall conform with all applicable sections of this Chapter.

(12) Retail sales shall be subordinate and/or accessory to the self-storage operation.

(13) One (1) office area or building may be included within the site of the self-storage operation. The office use shall be subordinate and/or accessory to the self-storage operation.

(14) Each building shall be a fully enclosed building, built of durable materials on a permanent foundation. Truck trailers, box cars or similar impermanent removable structures shall not be used as buildings for self-storage units.

(15) All uses shall be in conformity with all provisions of this Chapter, including but not limited to Section 911, and the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). No use of the storage units shall in any way violate Township ordinances, Pennsylvania laws, statutes, regulations or administrative rules or any Federal

laws, statutes, regulations or administrative rules of any nature or type.

(Ordinance 164, April 26, 1999, Section 36; as amended by Ordinance 229, December 19, 2006, Section 31)

Section 952. Transitional-Age Development Community.

(a) The purpose of this Section of this Chapter is to provide standards for transitional-age developments, containing single-family detached residences, semi-detached residences, townhouses, condominiums and their accessory uses. The objectives of these provisions are outlined as follows:

(1) To provide a unique approach for housing and community development with provisions to permit more efficient utilization of land and of community facilities and services.

(2) To encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.

(3) To efficiently utilize undeveloped land area within Amity Township, while providing unique housing opportunities for families as well as persons over fifty-five (55) years of age.

(4) To implement the recommendations concerning natural features, development, utilities, transportation, housing and land use, as outlined within the Comprehensive Plan.

(b) Transitional-age communities containing residential lots or units, as permitted under this section and further defined under Section 202 of this Chapter, are permitted by conditional use within the MDR-Medium Density Residential Zoning District.

(c) All transitional-age communities shall be designed in accordance with the following general design and eligibility requirements:

(1) The minimum amount of land in the development shall be one hundred (100) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

(2) All of the uses contained within the transitional-age development shall be served by public sanitary sewage disposal facilities and public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient sewer and water capacities to service the development.

(3) A minimum of fifty percent (50%) of the gross area of the transitional-age community shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this Section of this Chapter and none other.

(i) No more than fifty percent (50%) of the required common open space shall be located on lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(ii) The common open space shall not include areas that have been devoted to roads but may include utility easements.

(iii) No more than fifteen percent (15%) of the required common open space shall include areas devoted to stormwater management facilities.

(iv) Significant natural features shall be incorporated into the overall schematic of the design of the common open space whenever possible.

(v) While no standards shall exist as to the size and boundaries of the common open space areas, care should be taken to design common open space in a manner that the open space areas shall be meaningful and available to the residents of the transitional-age development.

(vi) A community Center, if built for either part of the development shall be counted as common open space.

(vii) For all common open space, satisfactory written agreement approved by the Township Solicitor shall be consummated for the perpetual preservation of the common open space.

a) The developer of the transitional-age development shall have made arrangements, provisions, and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

b) The developer of the transitional-age development shall insure the ownership, management and maintenance of the common open space by either dedicating the land to a homeowners' association or dedicating the land to the Township which shall have the option to accept or refuse the land offer for dedication. If the common open space is dedicated to a homeowners' association, the developer shall file with the Township and the Recorder of Deeds of Berks County a declaration which will govern the association. The open space shall be deed restricted against further development.

(4) Subject to the provisions of Subsection (c)(5) of this Section below, the maximum permitted residential density for transitional-age development shall be three (3) dwelling units per acre. The area to be utilized and calculated for development density shall not include lands within the Environmental Protection Overlay District (Part 5 of this Chapter).

(5) A density bonus of one-quarter (0.25) dwelling units per acre may be added to the residential density requirement set forth in Subsection (c)(4) of this Section above for each design objective

as contained in Subsection (c)(6) of this Section achieved as part of the conditional use application and land development/subdivision approval process. The maximum permitted density bonus shall not exceed two and three-quarters (2.75) dwelling units per acre. As part of the conditional use application and/or land development/subdivision approval process, the Supervisors shall consider and may grant a density bonus of one-quarter (0.25) dwelling units per acre for attainment of each of the following design standards and objectives contained in Subsection (c)(6) of this Section.

(6) The developer shall be entitled to a density bonus of one-quarter (0.25) dwelling units per acre for each full ten percent (10%) of additional age restricted housing that is provided above the base of fifty percent (50%) provided that the developer also simultaneously selects one of the following five features which must be coupled with the additional ten percent (10%) age restriction. This process may be repeated to achieve a maximum permitted density of no more than five and three-quarters (5.75) dwelling units per acre.

(i) The application provides for preservation of buildings and/or structures located on the site which in the opinion of the Township are historic or have historical or architectural significance - one-quarter (0.25) dwelling unit per acre density bonus. A maximum of ten (10) acres associated with the historic or architectural significance site shall be considered in open space calculations for the development upon either a deed restriction on the sites development rights or a transfer of the sites' development rights to the Berks County Conservancy or equivalent organization.

(ii) The application provides for passive recreation, educational, agricultural or ecological opportunities that are considered schematically planned or integrated with other passive recreation areas - one-quarter (0.25) dwelling unit per acre density bonus.

(iii) The application provides for a community center of at least two thousand five hundred (2,500) square feet constructed by the developer upon the development for use only by the residents of the age-restricted portion of the development - one-quarter (0.25) dwelling unit per acre density bonus.

(iv) The application provides for unique or enhanced architectural values including utilizing natural products for the building face (brick, stone or masonry products) and rooflines (masonry, gable or hip roof designs) on the entire community - one-half (0.50) dwelling unit per acre density bonus.

(v) In the sole discretion of the Board of Supervisors, if the application provides for other features to the development that significantly contribute to the

enhancement of the development - one-quarter (0.25) dwelling unit per acre density bonus.

(d) Each of the following maximum and minimum dimensional requirements shall apply to single-family detached residences and townhouses within a transitional-age development. In the case of a condominium form of ownership where there are no individual lots, the standards shall be applied to the overall lot.

<u>Minimum Regulations</u>	<u>Single Family Detached</u>	<u>Single Family Semi-detached</u>	<u>Townhouses</u>
Lot Area	7,500 square feet	5,000 square feet	2,000 square feet
Lot Width	50 feet	50 feet	20 feet
Building Setback from Curb	20 feet	20 feet	20 feet
Rear Yard	20 feet	20 feet	25 feet
Side Yard (each)	7.5 feet	7.5 feet	30 feet (building to building)
<u>Maximum Regulations</u>	<u>Single Family Detached</u>	<u>Single Family Semi-detached</u>	<u>Townhouses</u>
Building Height	35 feet	35 feet	35 feet
Lot coverage	50 percent	50 percent	75 percent

If a zero lot line development is proposed, the area around each building shall be counted toward the common open space.

(e) Each application for a transitional-age development shall provide the following:

(1) A fifty feet (50') buffer set back along the perimeter of the parent tract; and

(2) A collector road which does not provide direct access to any unit in the development.

(f) Signage for a transitional-age development shall be of an announcement and directional nature and shall be approved by the Supervisors as part of the conditional use application.

(g) The provisions of Section 951 for transitional-age development relating to design and eligibility shall control and take precedence over any other section of this Chapter dealing with similar subject matter.

(Ordinance 239, August 21, 2007, Section 5)

Section 953. Commercial Retirement Community.

(a) Purpose. It is hereby declared to be the intent of this Section to establish reasonable standards and criteria to permit

Commercial Retirement Community developments in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development. The township hereby recognizes:

(1) The housing, service and amenity needs for residents as they get older and life-style changes that encourage aging in place.

(2) The need to provide for such developments consistent with the Township's planning goals.

(3) The need to recognize that the reduced impact on Traffic, Township Services and School Districts associated with Commercial Retirement Communities can justify different development standards as compared to typical residential development.

(4) The need to encourage flexible site design which respects the needs of our aging population and the Township's natural features.

(5) The need to encourage the creation of individual neighborhoods.

(b) Commercial Retirement Community Qualifications.

(1) Single ownership responsible for the financial health, maintenance, service and operation of the community. This includes all land, buildings, infrastructure and public or community utilities contained within the tract of land.

(2) The minimum amount of land area in the development shall be twenty (20) contiguous acres. Contiguous land area shall be defined as a parcel of land that is owned under a single deed or parcels of land that area owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

(3) Operated under a Resident Agreement or similar document without deeded resident ownership.

(4) Age restricted to one hundred percent (100%) age fifty five (55) or older with the exception of a Certified Care Giver to a qualified resident or handicapped dependent. This over 55 years of age qualification shall be recorded as a deed restriction on all parcels to be developed.

(5) Creative design of buildings and infrastructure to support handicapped adaptability and access. There shall be no modular homes or trailers permitted in a Commercial Retirement Community.

(6) Required accessory uses include a Community Center, swimming pool and walking system throughout the community.

(c) Use Regulations. A building or group of buildings may be erected and occupied for any of the following purposes and no other:

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling.

(3) Townhouse structures.

(4) Residential Units or group of Residential Units designed as a single architectural unit.

(5) Accessory uses on the same lot/tract which are customarily incidental to any of the above permitted uses, provided that the total floor area does not exceed an area equivalent to twenty-five percent (25%) of the total ground floor area of all residential buildings proposed in a Commercial Retirement Community development. Except as otherwise noted herein, these uses may be located within a proposed residential building or as a freestanding facility on the site of a Commercial Retirement Community development. Such accessory uses, primarily for the convenience of and use by the resident, include:

(i) Retail store or personal service shop.

(ii) Bank or similar institution.

(iii) Professional office.

(iv) Indoor recreation facility, games room, media center, club/craft/woodworking centers.

(v) Rental, sales or administrative offices or maintenance facility for the Commercial Retirement Community development.

(vi) Fitness Center, Community Pool and/or Spa

(vii) Restaurant and/or Dining Facility

(viii) Wellness Center

(ix) Maintenance Building

(x) Similar use(s) to those enumerated in subsections (i) through (ix) above. The applicant shall demonstrate that said use(s) shall provide a service or amenity to the residents of the proposed Commercial Retirement Community development and shall have no adverse impacts on uses external to said development.

(6) Required Accessory Use Regulations. Certain additional uses shall be developed in conjunction with an Commercial Retirement Community development including the following, provided, however, that none is intended as an independent, free-standing commercial use:

(i) A Community Center for use primarily by the residents of the community or their guests. Development of the Community Center shall occur in the first phase of any multi-phase project. The Community Center shall provide at least thirty (30) square feet of area for each household in the development it is to serve, provided, however, that it

shall have a minimum of six thousand (6,000) square feet.

(ii) A Swimming Pool for use primarily by the residents of the community or their guests.

(iii) A walking system of sidewalks supplemented by trails that encourage the use of open and recreational space.

(iv) None of the above uses are intended as an independent, free standing commercial use.

(d) Lot, yard, and bulk regulations. In case of each lot/tract of land developed as a Commercial Retirement Community development, the following area and height regulations shall apply:

(1) Lot/tract area. The total gross tract area of the lot/tract for a Commercial Retirement Community development shall be not less than twenty (20) acres.

(2) Density. The maximum density for development pursuant to this Section shall be eight (8) dwelling units per acre in the MDR and six (6) dwelling units per acre in the LDR. In the computation of density, the number of units shall be rounded down to the nearest whole number. Compliance with the standards in this ordinance does not guarantee that the maximum number of dwelling units will be achievable in all cases. The applicant's ability to develop the maximum number may be reduced as a result of the applicant's choices of dwelling types, building and/or lot sizes, physical constraints of the development site, or other factors. The area of the tract used to calculate the allowable density shall not include existing street rights of way, existing utility easements or lands within the Environmental Protection Overlay District.

(3) Impervious surface coverage. A maximum impervious surface coverage of sixty percent (60%) of the total lot/tract area shall be permitted. The areas which are not impervious shall be improved with lawn or other suitable ground covers and landscaping.

(4) The following minimum dimensional requirements shall apply.

(i) Front setback from edge of paving to exterior of living space shall be a minimum of twenty (20) feet.

(ii) Rear yard shall be a minimum of forty (40) feet building to building.

(iii) Side yard shall be a minimum of twenty (20) feet building to building.

(iv) All buildings within the development shall be located at least fifty (50) feet from the perimeter of the tract boundary.

(v) The maximum building height shall be thirty-five (35) feet. Building height for this Section shall be the vertical distance measured from the average elevation of the finished grade at the front two corners of the building to the top of habitable space in the building, provided that a roof pitched

to a single peak is provided in accordance with the architectural standards set forth herein.

(vi) The maximum length of any building or group of attached buildings shall be one hundred eighty feet (180')

(e) General Development Regulations. In addition to the other regulations of this district, the following requirements shall apply:

(1) A Resident Agreement or similar document shall be present to the township for review, stipulating the proposed development is intended to be "55 or Over Housing" within the meaning of the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), so as to qualify as "housing for older persons" within the meaning of the Fair Housing Act. The parcels comprising the development shall be deed restricted to those over age fifty-five (55). The construction, interpretation and enforcement of this restriction shall be done in manner consistent with such requirements. This restriction shall be subject to all applicable federal and state laws concerning "housing for older persons". Permanent occupancy of any dwelling unit shall be restricted to persons 55 years of age or over. A permanent resident is a person who resides in a dwelling unit for thirty (30) or more consecutive days. Permitted visitations shall not exceed thirty (30) consecutive days without additional agreement. Three (3) exceptions may apply to the 55 years of age qualification as follows:

(i) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

(ii) A qualified handicapped dependent, incapable of living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident. Provisions of care must be provided to the community in the event the qualified resident can no longer provide for the handicapped dependent.

(iii) A spouse under the age of 55 with residency linked to the qualified resident.

(2) The development shall be consistent with the purpose of this chapter to promote the health, safety, morals, and general welfare of the township.

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

(4) In any case where a repair or processing activity is permitted in conjunction with a personal service shop, custom shop or similar use, any such activity shall, if located on the ground floor, be effectively screened from the front portion of the building used by customers by a wall or partition.

(5) No storage of materials, equipment, or goods shall be permitted outside a building, except in the case of a maintenance

building with appropriate screening and no merchandise shall be displayed on the exterior of a building.

(6) Areas for the servicing of refuse collection shall be provided and shall be adequate in size and be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities. Appropriate screening shall be required.

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

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

(9) Concrete sidewalks shall be constructed on at least one side of interior drives and accessways. The extent and placement of sidewalk should encourage walking within the community and serve as a connection to internal trails, accessory buildings, amenities and services.

(10) All buildings shall be served by a public sanitary sewage disposal system and public or community water supply.

(11) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open space areas which add to the overall cohesive development of the Commercial Retirement Community development and overall township development.

(f) Parking. Parking shall be in accordance with Section 924 of this Chapter. In addition:

(1) Parking spaces include garages, carports, driveways and open lined spaces.

(2) No parking lots shall be permitted within twenty-five feet (25') of a property line or ultimate right-of-way line.

(g) Open Space. A minimum of thirty percent (30%) of the gross tract area shall be permanently reserved as open space. In the Open Space, the following shall apply:

(1) There shall be a reasonable mix of active and passive areas, with maximum preservation of existing environmental amenities in the areas left for passive recreational use.

(2) Adequate open space shall be provided for active use, and shall be developed in such manner and with facilities compatible with the population who will reside in the community.

(3) All open space areas provided, exclusive of any offered for dedication to and accepted by the Township, shall be maintained by the owner or similar entity, as approved by the Township Board of Supervisors.

(4) No more than ten percent (10%) of the required common open space shall include areas devoted to stormwater management facilities. An additional 15 % of the required common open space may include areas devoted to stormwater management facilities provided that such facilities are designed as structural BMPs as defined in Chapter 6 of the Pennsylvania Stormwater Best Management Practices Manual, excluding dry extended detention basins, and are incorporated into the overall landscape design of the surrounding open space.

(h) Access Restriction. No dwelling unit within the Commercial Retirement Community development may take access directly from any existing road in the Township.

(i) Landscaping. Landscaping, including a buffer, shall be planted around the perimeter of the entire tract in accordance with Section 517 of the Amity Subdivision and Land Development Ordinance.

(j) Architectural Standards. Commercial Retirement Community development dwellings shall be subject to the following standards:

(1) The applicant shall prepare a set of architectural characteristics for the single family, semi-detached, townhomes and community center in the development, including floor plans, elevations, prospective sketches, and building materials, subject to approval by the Board of Supervisors, with the advice of the Township Planning Commission. Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area. A minimum of six different exterior designs will be required to provide a more interested visual variety. A minimum of twenty-five percent (25%) of the total of all four sides of the exterior of the façade of each unit shall be constructed of brick or stone materials. In the event that more than three (3) townhouses are connected together, each unit and each group of units must be located with different setbacks from the street line. Major architectural features, such as structural bay windows, porticoes, front porches and dormers, shall be required for a minimum of twenty-five percent (25%) of the Commercial Retirement Community development dwelling units.

(2) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) When Residential Units or group of Residential Units, designated as a single architectural unit are proposed for development on a tract in the Commercial Retirement Community development, the buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12. In addition, at least forty (40%) percent of all four residential units building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or rendering submitted by the applicant. Residential Units or group of Residential Units designed as a single architectural unit shall provide offsets to the front and rear building designs at minimum of every sixty (60) feet.

(4) Typical elevations for the various types of dwelling units, using various architecturally pleasing materials, shall be presented and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design.

(k) Entrances. Boulevard entrances shall be required for all primary entrances to the development.

(l) Streets. All streets, storm sewer and sanitary sewer facilities in the Commercial Retirement Community shall be privately owned and maintained.

(m) Internal Circulation. Special consideration will be given to the requirement for interior drives, accessways, driveways and parking to support the specific needs of a Commercial Retirement Community. Development of Streets together with alleys and rear entry garages with parking for townhouses is encouraged.

(n) Declaration of restrictive covenants. Accompanying the Plan, a Declaration of Restrictive Covenants must be approved by the Township and recorded. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, or as subsequently amended. The following are the minimum requirements for the Declaration:

(1) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, developer, mortgagees of any lot and/or building on the tract, owner and/or legal entity responsible for the operations of the community and its associated facilities, and any other parties having any interest in all or any part of the proposed development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible entities fail to do so.

(2) Maintenance provisions shall be included for all improvements and common areas.

(3) Provisions to ensure that development of any buildings, parking, or other similar improvements, are prohibited on any areas to be utilized solely for open space purposes, as indicated on the approved Plan.

(4) Residency restrictions applicable to a Commercial Retirement Community development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of a Commercial Retirement Community shall be limited by contract and Deed Restriction, to persons 55 years of age or older, except as follows:

(i) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

(ii) A qualified handicapped dependent, incapable of

living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident. Provisions of care must be provided to the community in the event the qualified resident can no longer provide for the handicapped dependent.

(iii) A spouse under the age of 55 with residency linked to the qualified resident.

(5) The applicant shall prove to the satisfaction of the Board of Supervisors that the owner or operation management will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(6) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

(7) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 247, October 1, 2008, Section 5)

Section 954. Continuing Care Retirement Community (CCRC).

(a) Permitted uses in a CCRC may include:

(1) Dining Facilities, including central kitchens for on-site preparation of meals and restaurants;

(2) Recreational facilities, including activity rooms, auditoriums, lounges and libraries;

(3) Office and retail service facilities designated for use by the residents of the CCRC may include, but not limited to: gift shops, coffee shops, barber or beauty shops, banks, convenience stores, and pharmacies, provided that any such single service facility shall not exceed 2,500 sq. ft. of gross floor area;

(4) Health care facilities, including physical therapy facilities and services, exercise rooms/equipment and swimming pools;

(5) Day care facilities for the supervision of children and adults, utilized as part of a CCRC development and limited to CCRC residents, visitors or employees;

(6) Indoor and outdoor recreational facilities, including, but not limited to, a golf course, tennis courts, running/walking tracks, swimming pools, and multi-purpose fields;

(7) Indoor storage for vehicles and property of residents;

(8) Indoor storage of maintenance and other equipment used in the operation and maintenance of the CCRC' and

(9) Community Center primarily intended for use by the Residents of the CCRC.

(b) Area, Yard and Height Requirements of a CCRC.

Minimum Regulations

Lot Area	10 acres
Lot Width	400 feet
Building Setback	60 feet
Rear/Side Yards	50 feet
Improvement setback	20 feet
Buffer Yard	20 feet
Landscaped area	Minimum 30%
Distance between buildings	25 feet

Maximum Regulations

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

(c) Parking. Parking shall be in accordance with Section 924 of this Chapter.

(d) Special Design Standards/Conditions for CCRC:

(1) The entire CCRC must be serviced by public water and sewer.

(2) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) Any structure in excess of one story proposed for development on a tract in the CCRC development, shall incorporate roofs pitched to a single peak. In addition, all four building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or a rendering submitted by the applicant.

(4) Typical elevations for the various types of buildings and dwelling units, using various architecturally pleasing materials, shall be presented to and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design and materials.

(6) Entrances. Boulevard entrances shall be required for all primary entrances to the development.

(7) Streets. All streets, stormwater and sanitary sewer facilities in the CCRC shall be privately owned and maintained.

(8) Declaration of restrictive covenants. A Declaration of

Restrictive Covenants must be approved by the Township and recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, as amended. The following are the minimum requirements for the Declaration:

(i) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, developer, mortgagees of any lot and/or building on the tract, owner and/or legal entity responsible for the operations of the community and its associated facilities, and any other parties having any interest in all or any part of the proposed development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible entities fail to do so.

(ii) Maintenance provisions shall be included for all improvements and common areas.

(iii) Provisions to ensure that development of any buildings, parking, or other similar improvements, are prohibited on any areas to be utilized solely for open space purposes, as indicated on the approved Plan.

(iv) Residency restrictions applicable to a CCRC development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of a CCRC shall be limited by contract and Deed Restriction, to persons 65 years of age or older, except as follows:

a) Certified Care Giver with residency linked to the qualified resident who is receiving the care.

b) A qualified handicapped dependent, incapable of living independently of the qualified resident. Residency of the handicapped dependent is linked to the qualified resident. Provisions of care must be provided to the community in the event the qualified resident can no longer provide for the handicapped dependent.

c) A spouse under the age of 65 with residency linked to the qualified resident.

d) Assisted living or nursing home residents need not be 65 years of age.

(v) The applicant shall prove to the satisfaction of the Board of Supervisors that the owner or operation management will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(vi) Any additional restrictions which will be applied to the development which are stricter than existing Township

regulations.

(vii) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 246, August 6, 2008, Section 9)

Section 955. Nursing Home, Retirement or Convalescent Home.

(a) Special Design Standards.

(1) The architectural characteristics shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(2) The building or buildings shall contain at minimum of 40% of the entire exterior of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or rendering submitted by the applicant.

(3) Pitched roofs shall be incorporated into all buildings.

(Ordinance 246, August 6, 2008, Section 9; as amended by Ordinance 260, October 7, 2009, Section 2; as further amended by Ordinance 261, October 21, 2009, Section 2)

Section 956. Age Restricted Housing.

(a) Purpose. It is hereby declared to be the intent of this Section to establish reasonable standards and criteria to permit Age Restricted Housing developments in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development. The township hereby recognizes:

(1) The housing needs for residents as they get older and life-style preferences change.

(2) The need to provide for developments consistent with the provisions of the Federal Fair Housing Act amendments of 1988 or as subsequently amended.

(3) The needs to provide for such developments consistent with the Township's planning goals.

(4) The need to recognize that lesser impacts and smaller household sizes associated with age-restricted communities can justify different development standards than typical development of similar types.

(5) The need to encourage flexible site design which respects the Township's natural features.

(6) The need to encourage the creation of individual neighborhoods.

(b) Use regulations. A building or group of buildings may be erected or used and a lot may be used and occupied for any of the following purposes and no other:

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling

(3) Townhouse structures.

(4) Condominiums each individually owned and designed as a single architectural project or unit.

(5) Accessory uses on the same lot/tract which are customarily incidental to any of the above permitted uses, provided that the total floor area does not exceed an area equivalent to 25% of the total ground floor area of all residential buildings proposed in an Age Restricted Housing development. Except as otherwise noted herein, these uses may be located within a proposed residential building or as a freestanding facility on the site of an Age Restricted Housing development. Such accessory uses shall be intended for use by the residents of the development and may include:

(i) Retail store or personal service shop. (First floor only of an apartment building or community center.)

(ii) Bank or similar institution. (First floor only of an apartment building or community center.)

(iii) Professional office.

(iv) Indoor recreation facility, fitness center, clubhouse or community center.

(v) Rental, sales or administrative offices or maintenance facility for the Age Restricted Housing development.

(vi) Gate house (security hut) and appurtenances related thereto (gates, automated card readers and similar facilities)

(vii) Similar use(s) to those enumerated in subsections (i) through (vi) above. The applicant shall demonstrate that said use(s) shall provide a service or amenity to the residents of the proposed Age Restricted Housing development and shall have no adverse impacts on uses external to said development.

(viii) Certain additional uses shall be developed in conjunction with an Age Restricted Housing development including the following:

a) Community Center for the use of residents of the community or their guests. Development of the Community Center shall occur in the first phase of any multi-phase project. The Community Center shall provide at least thirty (30) square feet of area for each household in the development it is to serve, provided, however, that it shall have a minimum of six thousand (6,000) square feet. A Community Center may include kitchen, dining, and banquet facilities; lobby(ies) or other common gathering areas; meeting rooms; locker rooms, rest rooms, exercise facilities and swimming pools.

b) Outdoor recreational facilities for the exclusive use of residents of the community or their guests, including tennis courts, fitness/jogging/walking/bicycling trails, practice golf green, swimming pools or similar facilities.

(c) Lot, yard, and bulk regulations. In case of each lot or tract of land developed for an Age Restricted Housing development, the following area and height regulations shall apply:

(1) Lot/tract area. The total gross tract area for a development in the Age Restricted Housing development shall be not less than twenty (20) acres.

(2) Density. Density of dwelling units shall not exceed six (6) units per acre in the MDR Zoning District and four (4) units per acre in the LDR Zoning District. In the computation of density, the number of units shall be rounded down to the nearest whole number. Compliance with the standards in this ordinance does not guarantee that the maximum number of dwelling units will be achievable in all cases. The applicant's ability to develop the maximum number may be reduced as a result of the applicant's choices of dwelling types, building and/or lot sizes, physical constraints of the development site, or other factors. The area of the tract used to calculate the allowable density shall not include lands within existing street rights of way existing utility easements or lands within the Environmental Protection Overlay District.

(3) Impervious surface coverage. A maximum impervious surface coverage of sixty percent (60%) of the total lot or tract area shall be permitted. Said limitation shall apply to the overall development and not to individual building areas or lots into which the larger development may be subdivided. The areas which are not impervious shall be improved with lawn or other suitable ground covers and other landscaping.

(4) Each of the following maximum and minimum dimensional requirements shall apply to single-family detached residences, single-family semi-detached townhouses and condominiums within an Age Restricted Development:

Minimum Regulations

Single Family Detached	Single Family Semi-detached	Townhouses	Condominiums	Accessory Uses
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Lot Area	7500 sq ft	5000 sq ft	2000 sq ft	-----	-----
Lot Width	50 ft	50 ft	20 ft	-----	-----
Building setback					
from curb	20 ft	20 ft	20 ft	40 ft	40 ft
Rear Yard	20 ft	20 ft	25 ft	60 ft	40 ft
				(building to	(building to
				Building)	building)
Side Yard (each)	7.5 ft	7.5 ft	30 ft	60 ft	40 ft
			(building to	(building to	(building to
			building)	building)	building)

Maximum Regulations

	Single Family Detached	Single Family Semi-detached	Townhouses	Condominiums Uses	Accessory
Building Height	35 ft	35 ft	35 ft	35ft	35 ft

Building Height for this Section shall be the vertical distance measured from the average elevation of the finished grade at the front two corners of the building to the highest point of habitable space in the building, provided that a roof pitched to a single peak is provided in accordance with the architectural standards set forth herein.

Building Length shall not exceed one hundred eighty feet (180') for Townhouses or Condominium units

50' minimum set-back for all buildings or accessory uses from perimeter tract boundary.

If zero lot lines are utilized, the Lot Area and Lot width requirements shall not apply.

(d) Lotting Exclusion. In order to allow the maximum flexibility in site design and ownership arrangements, lotting is not required in any development built pursuant to this Subsection. However, in cases where lots are not utilized the distances between units and road rights-of-way (or equivalent rights-of-way in the case of private roads) shall be the same as if lot lines are provided. However, along lot lines on which any form of zero-lot line single-family detached dwelling unit is coincident, a maintenance easement shall be required on any abutting lot, the minimum width of which shall be five (5) feet.

(e) Development Regulations. In addition to the other regulations of this district, the following requirements shall apply:

(1) The proposed development is intended to be "55 or Over Housing" within the meaning of the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), so as to qualify as "housing for older persons" within the meaning of the Fair Housing Act and shall be deed restricted accordingly. The construction, interpretation and enforcement of this restriction shall be done in manner consistent with such requirements. This restriction shall be subject to all applicable federal and state laws concerning "housing for older persons". Occupancy of any dwelling unit shall be restricted to persons 55 years of age or over ("age qualified"), provided, however, that a person who is age qualified may occupy such unit with such person's spouse, regardless of age, and with a child 19

years of age or over who is not enrolled in secondary school. No occupancy shall be permitted by any person who is or intends to have as a permanent resident in the unit, a person under the age of 19 years unless such person is a handicapped dependent protected by the provisions of the Fair Housing Act. A permanent resident is a person who resides in a dwelling unit for thirty (30) or more consecutive days. Permitted visitations shall not exceed thirty (30) consecutive days.

(2) The development shall be consistent with the purpose of this chapter to promote the health, safety, morals, and general welfare of the township.

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

(4) In any case where a repair or processing activity is permitted in conjunction with a personal service shop, custom shop or similar use, any such activity shall, if located on the ground floor, be effectively screened from the front portion of the building used by customers by a wall or partition.

(5) No storage of materials, equipment, or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building.

(6) Areas for the servicing of refuse collection shall be provided and shall be adequate in size and be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

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

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

(9) Concrete sidewalks shall be constructed on each street or road abutting the lot unless other suitable pedestrian trails are constructed based upon specifications approved by the Township.

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

(11) Landscaping, including a buffer, shall be planted around the perimeter of the entire tract in accordance with Section 517 of the Amity Subdivision and Land Development Ordinance.

(12) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open space areas which add to the overall cohesive development of the Age Restricted Housing development and overall township development.

(f) Parking. Parking shall be in accordance with Section 924 of this Chapter. In addition, no parking lots shall be permitted within twenty-five feet (25') of a property line or ultimate right-of-way line.

(g) Open Space. A minimum of thirty percent (30%) of the gross tract area shall be permanently reserved as open space. In the Open Space, the following shall apply:

(1) There shall be a reasonable mix of active and passive areas, with maximum preservation of existing environmental amenities in the areas left for passive recreational use.

(2) Adequate open space area shall be provided for active use, and shall be developed in such manner and with facilities compatible with the population who will reside in the community.

(3) The open space and recreation plan for any development proposed pursuant to this district shall be submitted for review by the Township Park and Recreation Board.

(4) All open space areas provided, exclusive of any offered for dedication to and accepted by the Township, shall be maintained by a homeowners' association or similar entity, as approved by the Township Board of Supervisors.

(5) The Open Space shall be deed restricted to prohibit further development thereon.

(6) No more than 10% of the required common open space shall include areas devoted to stormwater management facilities. An additional 15% of the required common open space may include areas devoted to stormwater management facilities provided that such facilities are designed as structural BMPs as defined in Chapter 6 of the Pennsylvania Stormwater Best Management Practices Manual, excluding dry extended detention basins, and are incorporated into the overall landscape design of the surrounding open space

(h) Access Restriction. No dwelling unit within the Age Restricted Housing development may take access directly from any existing road in the Township.

(i) Architectural Standards. Age Restricted Housing development dwellings shall be subject to the following standards:

(1) The applicant shall prepare a set of architectural characteristics for the single family, semi-detached, townhomes and community center in the development, including floor plans, elevations, prospective sketches, and building materials, for approval by the Board of Supervisors, with the advice of the Township Planning Commission. Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area. A minimum of six different exterior designs will be required to provide a more interested visual variety. A minimum of twenty-five percent (25%) of the total of all four exterior sides of the façade of each unit shall be constructed of brick or stone materials. In the event that more than three townhouses are connected together, each unit and each group of units must be located with different set backs from the street line. Major architectural features, such as structural bay windows, porticoes, front porches and dormers, shall be required for a

minimum of twenty-five percent (25%) of the Age Restricted Housing development dwelling units.

(2) The architectural characteristics of all buildings shall be approved as a condition of the Plan and shall be recorded in the Office of the Recorder of Deeds in and for Berks County, Pennsylvania.

(3) When condominium buildings are proposed for development on a tract in the Age Restricted Housing development, the buildings shall incorporate pitched roofs with a minimum pitch of 5/12. In addition, at least forty (40%) percent of the total of all four building facades shall be constructed of brick or stone. Substitutions for said materials may be authorized by the Board of Supervisors upon review of elevation drawings and/or a rendering submitted by the applicant. Condominium buildings shall provide offsets to the front and rear building designs at a minimum of every sixty (60) feet.

(4) Typical elevations for the various types of dwelling units, using various architecturally pleasing materials, shall be presented to and approved by the Board of Supervisors.

(5) The Community Center and other accessory uses, if housed in a separate building, shall be of a compatible architectural design.

(j) Streets. Consideration will be given to street width waivers if adequate guest parking is provided. This waiver shall be in the sole discretion of the Board of Supervisors. Development of streets together with alleys with rear entry garages and parking for townhouses is encouraged. Boulevard entrances shall be required for all entrances to the development.

(k) Declaration of restrictive covenants. Accompanying the Plan, a Declaration of Restrictive Covenants must be presented and approved by the Township and recorded. Said Declaration shall provide all of the restrictions necessary to assure that a proposed development will operate as depicted on the Plan and be in compliance with the Federal Fair Housing Act amendments of 1988, as amended. The following are the minimum requirements for the Declaration:

(1) Provisions for the establishment of a Homeowners Association(s) or other similar entity as approved by the Township, with mandatory membership by the current owner of each dwelling unit represented in the Plan.

(2) Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, members of the aforementioned Association(s), developer, mortgagees of any lot and/or building on the tract, legal entity responsible for the operations of the community center and its associated facilities, and any other parties having any interest in all or any part of the proposed development, and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the Declaration, in the event that the responsible association(s) or other entities, fail to do so.

(3) Cross easements shall be included, which shall assure proper circulation throughout the development and access to all

common recreation and open space areas, roadways and common parking areas.

(4) Maintenance provisions shall be included for any community/recreation center and related facilities, other recreational facilities, circulation network, common parking areas, landscaping and all other areas not individually controlled by a homeowner in fee title.

(5) Provisions to ensure that development of any buildings, parking, or other similar improvements, be prohibited on any lots to be utilized solely for open space purposes, as indicated on the most currently approved Plan.

(6) Provisions stipulating each lot owner/resident's rights with respect to common areas.

(7) Residency restrictions applicable to an Age Restricted Housing development shall be included in the Declaration of Restrictive Covenants and as additionally specified herein. Residents of an Active Adult Community shall be limited by Deed Restriction, and by lease where applicable, to households including at least one permanent resident age fifty-five (55) years or older, and shall prohibit occupancy by any person age eighteen (18) or younger, except as follows:

(i) Individual units may occasionally house persons younger than age eighteen (18), such as grandchildren, provided they reside within the unit for less than sixty (60) days in any calendar year.

(ii) This subsection shall not require members of a household to move out of a dwelling unit if they qualified for residency at the time of their initial occupancy and no longer meet the requirements for residency because a resident age fifty-five (55) or older died, divorced, was placed in a nursing or other similar assisted care facility or experienced a similar circumstance.

(iii) The applicant shall prove to the satisfaction of the Board of Supervisors that an appropriate entity, such as a homeowners association, will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.

(8) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

(9) Any change to cross easements, maintenance responsibilities, or other applicable restrictions, which is substantive in the opinion of the Board of Supervisors, will necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

(Ordinance 248, October 1, 2008, Section 5)