

Part 2

Definitions

Section 201. General Interpretation.

(a) For the purpose of this Chapter, certain terms and words are defined below. Words used in the present tense shall include the future tense. Words in the singular shall include the plural and words in the plural shall include the singular. Words in the masculine shall include the feminine and the neuter.

(b) The word "shall" is mandatory. The word "may" is permissive. The word "person" includes "individual", "company", "unincorporated association", or other similar entities. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" shall be construed as if followed by the phrase "or part thereof".

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

Section 202. Specific Terms. Terms or words used in this Chapter, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

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

Accessory Use. A subordinate use of a portion of a lot which is customarily incidental to the main or principal use of land or of a building on a lot.

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

Act. The Pennsylvania Municipalities Planning Code, as amended.

Act 247. The Pennsylvania Municipalities Planning Code, as amended.

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

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

Adult Business Use. Any adult bookstore, adult cabaret, adult theater or adult mini-motion picture theater, as defined below, and which, under the State Obscenity Code, as amended, must exclude minors or may not knowingly disseminate to minors.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade (for sale or rental) books, magazines and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined by the State Obscenity Code, as amended.

Adult Cabaret. A cabaret, tavern, theater or club which features strippers, male or female impersonators, or similar entertainers who exhibit, display or engage in nudity, sexual conduct or sadomasochistic abuse, as defined in the State Obscenity Code, as amended.

Adult Mini-Motion Picture Theater. An enclosed building offering video presentations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons within private viewing booths and/or by use of token or coin-operated viewing booths and/or by use of token or coin-operated projectors or other video machines as defined in the State Obscenity Code, as amended.

Adult Theater. Any business, indoor or outdoor, which exhibits a motion picture show or other presentations which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in the State Obscenity Code, as amended.

Agriculture (General). The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry. Section 905 of this Chapter outlines the limitations for general agricultural activities. These limitations shall disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended).

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

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

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

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

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

Agriculture (Intensive). Specialized agricultural activities, including but not limited to mushroom, egg and poultry production, and dry lot livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes. Intensive agricultural activities shall also include general agricultural activities exceeding the standards and specifications outlined under Subsection 905(a) of this Chapter. Subsection 905(b) outlines the

limitations for intensive agricultural activities. These limitations shall disrupt any of the rights and privileges established under the Pennsylvania Agricultural Security Act (Act 43 of 1981, as amended).

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

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

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

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

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

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

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

Basement. A story partly below the finished grade but having one-half (1/2) or more of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building.

Bed and Breakfast. The temporary use and occupancy of a single-family detached dwelling for the purpose of accommodating transient guests for rent.

Block. A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Township, or by any combination of the above.

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

Buffer Yard. A continuous strip of land which is clear of all buildings and paved areas and is adequately landscaped in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances. Buffer Yard shall also mean buffer screens as used in Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances.

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

Building Area. The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

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

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

- (1) the highest point of the roof for buildings in the RC, LDR, MDR, and MHP Zoning Districts, unless otherwise set forth;
- (2) the highest point of habitable building space for buildings in the HC, SCC, and LI/O Zoning Districts.

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

Building Setback. The minimum distance a building or structure must be set back from the street right-of-way line (except the right-of-way of a service street). (See Lot and Setback Requirements Diagram in Section 1202 of this Chapter.)

Building Setback Line. The line within a property establishing the minimum required distance between any building or structure, or portions thereof, to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line which abuts the property and the building setback line shall be parallel to said right-of-way line.

Campground. A plot of ground upon which two (2) or more campsites are located for occupancy, regardless whether a fee has been charged for the occupancy of such space.

Campsite. A plot of ground within a campground for the use of a single camping unit.

Camping Unit. A tent or camping vehicle located on a campsite.

Carport. A building open on two (2) or more sides and used in association with a dwelling for the storage of private motor vehicles.

Cartway. The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

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

Cellar. A story partly below the finished grade, having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

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

Cemetery. Land used or intended to be used for the burial of human remains and may include columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Use and Occupancy. A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign and/or land complies with this Chapter, or that a building, structure, sign and/or land may be lawfully employed for specific uses or both.

Church. A building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational or other uses not normally associated with worship.

Club or Lodge. An association of persons for some common nonprofit activity, not including groups organized primarily to render a service which is customarily carried on as a business.

Cluster Development. An alternative development method wherein structures are arranged in closely related groups, reducing lot sizes, preserving land for open space and permitting innovative site design.

Commercial Retirement Community. The business of a planned retirement community, under single ownership, on a single lot/tract of land, that offers significant services and amenities that support aging in place with one hundred percent (100%) of its' residents over the age of fifty-five (55) meeting the Qualifications of Section 953 of this Ordinance.

Commercial School. A school for the teaching of a trade or skill, carried on as a business.

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

Common Parking Area. A parking facility other than those provided within the lot lines of a lot on which one (1) single-family detached dwelling, one (1) single-family semi-detached dwelling, or one (1) townhouse is located.

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

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

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

Comprehensive Plan. The document entitled the Amity Township Comprehensive Plan, or any part thereof, adopted by the Amity Township Board of Supervisors, as amended from time to time.

Conditional Use. Certain specified uses which are permitted or denied by the Board of Supervisors after recommendations by the Planning Commission pursuant to express standards and specifications established in this Chapter.

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

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

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

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

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

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

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

County. The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission. The Berks County Planning Commission.

Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or buildings.

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

Curb Line. The edge of the cartway.

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

Density. The number of dwelling units per gross acre.

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

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

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

Dwelling. A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling. (See Diagram for Types of Dwelling Units in Section 1201 of this Chapter.)

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

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

(3) Two-Family Detached Dwelling (Duplex). A building arranged, designed or intended for occupancy of two (2) families living independent of each other in separate dwelling units that are separated by horizontal floors as opposed to vertical walls.

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

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

(6) Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as amended.

(7) Mobile Home. A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

(8) Modular Home. Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Housing units defined as mobile homes are excluded from this definition.

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

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

Electric Substation. An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

Family. An individual or any number of individuals living together as a single, non-profit housekeeping unit, having a single, common cooking facility and living together upon the premises as a separate unit in a domestic relationship based upon birth, marriage or other domestic bond; excluding, however, occupants of a club, fraternity house, lodge, residential club or rooming house. Also, a group of not more than three (3) persons not related, living as a single housekeeping unit in a dwelling unit.

Farm. An area of land, including all buildings, accessory buildings, farm buildings and one (1) single-family detached principal dwelling all used for agriculture and where the primary source of income is derived from property.

Farm Building. A barn, silo or any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include dwellings.

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

Floor Area (Gross Floor Area). The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of wall separating buildings. In particular, the floor area of a building or buildings shall include:

- (1) Basement space;

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

(3) Interior balconies and mezzanines;

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

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

However, the "floor area" shall not include:

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

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

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

(iv) Accessory buildings.

Floor Area Ratio. The floor area in square feet of all buildings on a lot divided by the gross area of such lot in square feet.

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

Garage.

(1) Garage, Private Residential. An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than three (3) motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one (1) commercial vehicle or truck may be stored in a private garage.

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

(3) Garage, Storage. A building, not a private residential or a public garage, one (1) story in height, used solely for the storage of motor vehicles used in conjunction with a business or industry, but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

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

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

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

Highway Access Point. A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the centerline of one (1) such point to the centerline of another such point.

Highway Frontage. The lot dimensions measured along the right-of-way line of any one (1) street or highway abutting a lot.

Home Occupation or Accessory Professional Office Use. A professional use which is customarily carried on in a dwelling unit, or a structure accessory thereto, clearly secondary and incidental to the dwelling in which the practitioner resides.

Hotel. A building or group of buildings containing seven (7) or more individual rooms for rental, primarily for transients, with common hallways for all rooms on the same floor, and where no provision is made for cooking in any individual room or suite. "Hotel" does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

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

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

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

Improvement. Any type of structure or paved section, excluding driveway, curb, sidewalk, planting strip or barrier to unchanneled motor vehicle entrance or exit.

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

Industry. A facility for the manufacture, processing or warehousing of products and materials.

Junk Yard. A lot, land or structure, or parts thereof, used for the collection, storage, dismantling, salvage, sale or recycling of used and discarded materials, including but not limited to waste paper, rags, scrap metal or the scrap, salvage or discarded material from vehicles or machinery. The deposit or storage of two (2) or more unlicensed,

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

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

Laboratory. A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

Landowner. The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition). A lessee under a written lease who has written authorization of the legal owner shall be deemed to be a landowner for the purpose of this Chapter.

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

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

Livestock. Farm animals exceeding three hundred (300) pounds in weight which are kept or raised for use, pleasure and/or profit.

Lot. A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean parcel, plot, site or any similar term.

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

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

(3) Reverse Frontage Lots. Lots which have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.

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

(5) Flag Lot or Keyhole Lot. An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

Lot Area (Gross). The space contained within the lot lines, including land area within all existing and future/ultimate street rights-

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

Lot Area (Net). The space contained within the lot lines, excluding any and all land areas as follows: areas within existing or designated ultimate street rights-of-way; areas within the Environmental Protection Overlay District; areas identified as common open space; and areas within easements dedicated for utility, municipal or stormwater purposes. The Net lot area for all proposed lots shall be no smaller than the minimum lot size for the zoning district in which the lot is located."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mobile Home Lot. A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

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

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

Motel. A group of attached or detached buildings containing individual living or sleeping units designed for temporary use by tourists or transients generally traveling by motor vehicle.

Motor Vehicle Service Station. An area of land, including structures thereon, used primarily for the sale of gasoline or motor vehicle fuel, but which may be used secondarily for supplying services generally required for the operation and maintenance of motor vehicles, but which shall not include painting, body and fender repairs, or sale, rental and storage of vehicles.

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

Municipal Use. A use by the Township for public recreation area, park, swimming pool, golf course, spectator sports, Township offices, police station, water and sewage facilities, utilities, road materials and equipment storage and similar governmental uses, auditorium, or meeting rooms for civic group use.

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

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

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

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

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

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

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

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

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

Nonconforming Lot. A lot which does not meet with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board.

Nonconforming Structure or Building. A structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use. A building, structure, sign or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such Chapter or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

Nursery/Greenhouse. The raising of trees (for transplanting), ornamental, shrubs, flowers or house plants for any commercial purpose. All nursery/greenhouses that are designed and constructed to be one thousand (1,000) square feet or less shall be considered an accessory structure. All nursery/greenhouses that are designed and constructed to exceed one thousand (1,000) square feet in size shall be considered a principal structure.

Nursing Home. A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This

definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

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

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

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

One Hundred (100) Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years, i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

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

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

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

Parking Space. A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten feet (10') wide and having an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

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

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

Plan. The proposal for development, including a part of subdivision, all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities.

Planned Residential Development. An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Chapter.

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

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

Principal Use. The main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of this Chapter.

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

Recreation Area (Active). Land area that contains facilities that require visitors/participants to become involved in physical or an energetic moving function, primarily group functions.

Recreation Area (Passive). Land area that contains facilities that require visitors/participants to become involved in quiet functions that do not require physical or energetic functions. The term Passive Recreation shall include walking, jogging and nature trails included as part of any Park or Development.

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

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

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

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

(4) Size of antennas:

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

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

Microwave Antennas. As allowed by applicable Zoning District regulations.

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

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

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

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

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

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

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

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

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

(1) On-Lot System. A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

(2) Community System. A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

(3) Public System. A sewage disposal system which collects, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.

Sign. Any structure, building, wall or other outdoor surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations used for announcement, direction or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

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

Special Exception. A use permitted in a particular district by the Zoning Hearing Board, to occupy or use land for a specific purpose in accordance with this Chapter, when such use is not permitted by right.

State Obscenity Code. Section 5903, Title 18, Pennsylvania Consolidated Statutes, as amended.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story.

Street. A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms.

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

(2) Collector Street. A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or arterial streets or other collector streets. Streets within an industrial or commercial development shall be considered collector streets.

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

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

(5) Marginal Access Street. A minor street, parallel and adjacent to an arterial or collector street (but separating it by a reverse strip) which provides access to abutting properties and control of intersections.

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

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

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

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

Structure. Any manmade object having an ascertainable stationary location or in land or water, whether or not affixed to the land.

Surface Mining. The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between the minerals, rock and other products of the earth, or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Swimming Pool. A body of water or receptacle for water having a depth at any point greater than twenty-four inches (24") which is primarily used or intended to be used for swimming or bathing.

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

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

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

Use. The specific purpose for which land, a sign or a structure or building is designed, arranged or intended, or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance. Relief granted by the Zoning Hearing Board from the terms and conditions of this Chapter where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest.

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

Water Supply System. A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the Township.

(1) On-Lot Water Supply System. A water supply system which transmits water from a source on the lot to one (1) dwelling, principal use or lot.

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

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

(3) Public or Municipal Water Supply System. A system of water collection, storage, transmission and delivery which is to service a community, but not confined to a neighborhood.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The three (3) major characteristics of wetlands include vegetation, soil and hydrology.

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

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

Yard. An open space on the same lot with a structure (or a group of structures) which lies between the structure (or a group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

(1) Front Yard. A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley the front yard requirement shall apply fronting each public street.

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

(3) Side Yard. A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

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

Zoning Hearing Board. A board created by the governing body to hear matters as provided for in this Chapter.

Zoning Map. The Township of Amity Zoning Map.

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

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

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

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