

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING THE DEFINITION OF PLAN OF SECTION 202 ENTITLED "SPECIFIC TERMS" OF PART 2 ENTITLED "DEFINITIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH A NEW DEFINITION OF PLAN; AMENDING AND RESTATING IN ITS ENTIRETY SUBPARAGRAPH (i) OF PARAGRAPH (4) ENTITLED "ARCHITECTURAL FEATURES" OF SUBSECTION (g) ENTITLED "GENERAL DEVELOPMENT REGULATIONS" OF SECTION 507 ENTITLED "ROUTE 422 OVERLAY DISTRICT" OF PART 5 ENTITLED "OVERLAY DISTRICTS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO CLARIFY REQUIREMENTS OF ARCHITECTURAL FEATURES; AMENDING AND RESTATING SUBSECTION (h) OF SECTION 925 ENTITLED "DRIVEWAYS" OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO CLARIFY REQUIREMENTS FOR DRIVEWAY OCCUPANCY PERMITS; AMENDING AND RESTATING SUBSECTION (c) (6) (iv) OF SECTION 952 ENTITLED "TRANSITIONAL-AGE DEVELOPMENT COMMUNITY," OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR ARCHITECTURAL VALUES; AMENDING AND RESTATING IN ITS ENTIRETY PARAGRAPH (j) ENTITLED "ARCHITECTURAL STANDARDS," OF SECTION 953 ENTITLED "COMMERCIAL RETIREMENT COMMUNITY," OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR ARCHITECTURAL STANDARDS; AMENDING AND RESTATING IN THEIR ENTIRETY PARAGRAPHS (11 THROUGH 15) OF SUBSECTION (e) ENTITLED "SPECIAL DESIGN STANDARDS/CONDITIONS FOR CCRC" OF SECTION 954 ENTITLED "CONTINUING CARE RETIREMENT COMMUNITY (CCRC)" OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR ARCHITECTURAL STANDARDS AND DESIGNS; AMENDING AND RESTATING IN ITS ENTIRETY SUBSECTION (a) ENTITLED "SPECIAL DESIGN STANDARDS" OF SECTION 955 ENTITLED "NURSING HOME, RETIREMENT OR

CONVALESCENT HOME," OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR ARCHITECTURAL STANDARDS AND DESIGNS; AMENDING AND RESTATING IN ITS ENTIRETY SUBSECTION (a) ENTITLED "ARCHITECTURAL STANDARDS," OF SECTION 956 ENTITLED "AGE RESTRICTED HOUSING," OF PART 9 ENTITLED "SUPPLEMENTARY REGULATIONS" OF CHAPTER XXXII ENTITLED "ZONING" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR ARCHITECTURAL STANDARDS

WHEREAS, the Board of Supervisors of the Township of Amity desires to amend Chapter XXXII, entitled "Zoning" of the Township of Amity Code of Ordinances; and

WHEREAS, zoning amendments are authorized by Section 609 of the Pennsylvania Municipalities Planning Code, as amended and Section 1107 of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority as aforesaid as follows:

SECTION 1. The definition of Plan of Section 202, entitled "Specific Terms," of Part 2 entitled "Definitions," of Chapter XXXII entitled "Zoning," of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

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

- a) SKETCH PLAN - An informal plan, drawn to scale, indicating existing features of a tract and the general layout of the proposed subdivision or land development. The plan shall be presented for discussion purposes only and not for approval.
- b) PRELIMINARY PLAN - A tentative subdivision or land development plan (including all required supplementary data) showing the pertinent features of a tract and proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- c) FINAL PLAN - A complete and exact subdivision or land development plan (including all required supplemental data) prepared for official recording as

required by statute, to define property rights, proposed streets and other improvements.

- d) MINOR SUBDIVISION PLAN - A complete and exact plan prepared in accordance with the standards and limitations specified under Subsection 306(b), entitled "Minor Subdivisions", of Chapter 27, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances.
- e) AS-BUILT/IMPROVEMENTS PLAN - A detailed engineering plan showing the construction details of streets, storm drainage facilities and other improvements as required by Section 404, entitled "As-Built/Improvements Plan", of Chapter 27, entitled "Subdivision and Land Development" of the Township of Amity Code of Ordinances.
- f) PLAN OF RECORD - An exact copy of the approved final plan which has been officially recorded by the Berks County Recorder of Deeds.

SECTION 2. Subparagraph (i) of Paragraph (4) entitled "Architectural Features" of Subsection (g) entitled "General Development Regulations" of Section 507 entitled "Route 422 Overlay District" of Part 5 entitled "Overlay Districts" of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

- "(i) At least 60% of any building face which faces a street or on-site parking area shall contain of the following materials: wood; brick or brick face; stone or stone veneer; split-face or textured surface concrete masonry unit (CMU); stucco or synthetic stucco; or glass. The provisions of 32-954(e)(11, 12 and 13), 32-955(a) and 32-956(i) shall not apply to any development or building proposed hereunder. The architectural features set forth herein shall apply. Alternative materials proposed by the developer may be permitted if approved by the Board of Supervisors. LEED certified buildings are highly encouraged."

SECTION 3. Subsection (h) of Section 925, entitled "Driveways," of Part 9 entitled "Supplementary Regulations," of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

- "(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 Pennsylvania State road."

SECTION 4. Subsection (c)(6)(iv) of Section 952, entitled “Transitional-Age Development Community,” of Part 9 entitled “Supplementary Regulations” of Chapter XXXII entitled “Zoning” of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

“(iv) The application provides for unique or enhanced architectural values including a minimum of twenty-five percent (25%) of the front and sides of the exterior of the façade of each unit shall be constructed of brick, stone or cement fiberboard type materials and rooflines that are gabled or hipped on the entire community - .50 dwelling unit per acre density bonus.”

SECTION 5. Subsection (j) entitled “Architectural Standards,” of Section 953 entitled “Commercial Retirement Community” of Part 9 entitled “Supplementary Regulations” of Chapter XXXII entitled “Zoning” of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

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

(1) The applicant shall prepare a set of drawings depicting the architectural characteristics for all buildings 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. The drawings depicting 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.

(2) Architectural characteristics that shall apply to single-family, semi-detached and townhouse residential units are as follows:

(i) Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area.

(ii) A minimum of six different exterior designs will be required to provide a more interested visual variety.

(iii) A minimum of twenty-five percent (25%) of the front and sides of the exterior of the façade of each unit (not including the area occupied by windows, doors and garage doors) shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their

sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.

(iv) 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.

(v) 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.

(3) Architectural characteristics that shall apply to residential buildings other than single-family, semi-detached and townhouses; the Community Center; or any accessory buildings are as follows:

(i) All buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12.

(ii) At least forty percent (40%) of the total of the exterior of the façade of each building shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.

(iii) Offsets shall be provided to the front and rear building designs at a minimum of every sixty (60) feet.

(iv) Roof pitches shall be designed in such a manner as to effectively screen roof top equipment from roadways and main entrances.

SECTION 6. Paragraphs (11), (12), (13), (14) and (15) of Subsection (e) entitled "Special Design Standards/Conditions for CCRC" of Section 954 entitled "Continuing Care Retirement Community (CCRC)" of Part 9 entitled "Supplementary Regulations" of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances are hereby amended and restated in their entirety as follows:

“(e) Special Design Standards/Conditions for CCRC:

(11) The applicant shall prepare a set of drawings depicting the architectural characteristics for all buildings 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. The drawings depicting 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.

- (12) Architectural characteristics that shall apply to single-family, semi-detached and townhouse residential units are as follows:
 - (i) Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area.
 - (ii) A minimum of six (6) different exterior designs will be required to provide a more interested visual variety.
 - (iii) A minimum of twenty-five percent (25%) of the front and sides of the exterior of the façade of each unit (not including the area occupied by windows, doors and garage doors) shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.
 - (iv) 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.
 - (v) 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 Continuing Care Retirement Community development dwelling units.
- (13) Architectural characteristics that shall apply to residential buildings other than single-family, semi-detached and townhouses; the Community Center; or any accessory buildings are as follows:
 - (i) All buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12.

- (ii) At least forty percent (40%) of the total of the exterior of the façade of each building shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.
 - (iii) Offsets shall be provided to the front and rear building designs at a minimum of every sixty (60) feet.
 - (iv) Roof pitches shall be designed in such a manner as to effectively screen roof top equipment from roadways and main entrances.
- (14) Entrances. Boulevard entrances shall be required for all primary entrances to the development."

SECTION 7. Subsection (a) entitled, "Special Design Standards" of Section 955 entitled "Nursing Home, Retirement or Convalescent Home," of Part 9 entitled "Supplementary Regulations" of Chapter XXXII entitled "Zoning" of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety:

"(a) Special Design Standards.

- (1) The applicant shall prepare a set of drawings depicting the architectural characteristics for all buildings 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. The drawings depicting 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.
- (2) Architectural characteristics that shall apply to all buildings are as follows:
 - (i) All buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12.
 - (ii) At least forty (40%) percent of the total of the exterior of the façade of each building shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials

may be authorized by the Board of Supervisors, in their sole discretion, upon review of elevation drawings and/or rendering submitted by the applicant.

- (iii) Offsets shall be provided to the front and rear building designs at a minimum of every sixty (60) feet.
- (iv) Roof pitches shall be designed in such a manner as to effectively screen roof top equipment from roadways and main entrances.”

SECTION 8. Subsection (i) entitled “Architectural Standards” of Section 956 entitled “Age Restricted Housing,” of Part 9 entitled “Supplementary Regulations” of Chapter XXXII entitled “Zoning” of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

“(i) Architectural Standards. Age Restricted Housing development dwellings shall be subject to the following standards:

(1) The applicant shall prepare a set of drawings depicting the architectural characteristics for all buildings 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. The drawings depicting 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.

(2) Architectural characteristics that shall apply to single-family, semi-detached and townhouse residential units are as follows:

(i) Building styles, bulk, window and door placement, roof pitch and proportions shall be compatible with the existing character of the area.

(ii) A minimum of six different exterior designs will be required to provide a more interested visual variety.

(iii) A minimum of twenty-five percent (25%) of the front and sides of the exterior of the façade of each unit (not including the area occupied by windows, doors and garage doors) shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their

sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.

(iv) 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.

(v) 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.

(3) Architectural characteristics that shall apply to residential buildings other than single-family, semi-detached and townhouses; the Community Center; or any accessory buildings are as follows:

(i) All buildings shall incorporate pitched roofs with a minimum pitch of 5 x 12.

(ii) At least forty percent (40%) of the total of the exterior of the façade of each building shall be constructed of brick, stone or cement fiberboard type materials. Substitutions of materials may be authorized by the Board of Supervisors, in their sole discretion, upon review of elevation drawings and/or renderings submitted by the applicant.

(iii) Offsets to the front and rear building designs at a minimum of every sixty (60) feet.

(iv) Roof pitches shall be designed in such a manner as to effectively screen roof top equipment from roadways and main entrances.”

SECTION 9. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 10. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 11. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 12. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED into law this _____ day of _____, 2022 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

Attest:

TOWNSHIP OF AMITY
BOARD OF SUPERVISORS

Pamela L. Kisch, Secretary

Kim McGrath, Chairperson

(SEAL)

David Hackett, Vice Chairperson

Paul Weller

Terry Jones

Kevin Keifrider

MUNICIPAL CERTIFICATION

I, Pam Kisch, Secretary of the TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. _____ was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Amity, on _____, 2022, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on _____, 2022.

(SEAL)

Pam Kisch, Secretary

Date: _____, 2022