

**AMITY TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2026-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 32 ZONING, PART 4 ZONING DISTRICT REGULATIONS, SECTION 32-401 RC - RURAL CONSERVATION DISTRICT TO ADD CLUSTER DEVELOPMENT AS A USE PERMITTED BY RIGHT; TO AMEND SECTION 32-403 MDR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO DELETE CLUSTER DEVELOPMENT AS A PERMITTED USE; TO AMEND PART 6 CLUSTER DEVELOPMENT REGULATIONS, SECTION 32-602 DEVELOPMENT AND DESIGN STANDARDS; AND TO AMEND SECTION 32-603 OPEN SPACE STANDARDS.**

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Township of Amity to enact, amend and repeal Zoning Ordinances within the Township; and

**WHEREAS**, the Board of Supervisors of the Township of Amity wishes to add cluster development as a use permitted by right to the RC Rural Conservation Zoning District; and

**WHEREAS**, the Board of Supervisors wishes to remove cluster development as a use permitted by conditional use in the MDR Medium Density Residential Zoning District; and

**WHEREAS**, the Board of Supervisors wishes to amend the dimensional requirements for cluster development in the LDR Low Density Residential Zoning District for the purposes of consistency.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Amity as follows:

**SECTION 1.** Chapter 32 Zoning, Part 4 Zoning District Regulations, Section 32-401 RC - Rural Conservation District, Subsection (b) Uses Permitted by Right, to add (9) Cluster development containing single-family detached dwellings, subject to Part 6 of this Chapter.

**SECTION 2.** Chapter 32 Zoning, Part 4 Zoning District Regulations, Section 32-403 MDR - Medium Density Residential District, Subsection (c) Uses Permitted by Conditional Use, is amended to delete (4) Cluster development containing single-family detached dwelling units, subject to Part 6 of this Chapter.

**SECTION 3.** Chapter 32 Zoning, Part 6 Cluster Development Regulations, Section 32-602 Development and Design Standards, Subsection (a) Eligibility, is restated as follows:

(a) Eligibility.

- (1) Cluster developments containing single-family detached dwelling unit are permitted by right in the Low Density Residential (LDR) Zoning District and Rural Conservation (RC) Zoning District.
- (2) The development shall contain a minimum contiguous land area of 10 acres.
- (3) In the LDR Zoning District, when public water and sewer systems are provided, a minimum of 50% of the gross area of the development shall be set aside as common open space. In the RC Zoning District, when public and water systems are provided, a minimum of 60% of the gross area of the development shall be set aside as common open space. If on-lot septic disposal (including community on-lot disposal systems) and/or on-lot water wells are provided, a minimum of 40% of the gross tract area shall be set aside as common open space. No more than 50% of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

**SECTION 4.** Chapter 32 Zoning, Part 6 Cluster Development Regulations, Section 32-602 Development and Design Standards, Subsection (b) Density Specifications, is restated as follows:

(b) Density Specifications.

- (1) The Cluster Development shall not exceed the following maximum permitted densities:

<u>Zoning District</u>	<u>Maximum Density</u>
LDR	0.5 dwelling units/acre with on-lot septic disposal (including community on-lot disposal systems) and/or well  1.0 dwelling units/acre with public sewer and water
RC	0.5 dwelling units/acre with on-lot septic disposal (including community on-lot disposal systems) and/or well  1.0 dwelling units/acre with public sewer and water

- (2) The area that is not utilized for development shall be set aside as common open space.
- (3) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District (Part 5).

**SECTION 5.** Chapter 32 Zoning, Part 6 Cluster Development Regulations, Section 32-602 Development and Design Standards, Subsection (c) Area, Yard and Height Regulations, is restated as follows:

(c) Area, Yard and Height Regulations. Each of the following maximum and minimum dimensional requirements shall apply to single-family detached dwelling units within a cluster development, except as specifically provided for in this Chapter:

<b>Minimum Regulations</b>	<b>LDR Zoning District Public Sewer &amp; Water</b>	<b>RC Zoning District Public Sewer &amp; Water</b>	<b>LDR &amp; RC Zoning Districts On-Lot Sewer and/or Water</b>
Lot Area (Net)	12,000 square feet	12,000 square feet	43,560 square feet
Lot Width	80 feet	80 feet	150 feet
Building Setback	30 feet	30 feet	40 feet
Rear Yard	20 feet	20 feet	30 feet
Side Yard			
Total	20 feet	20 feet	40 feet
One Side	10 feet	10 feet	20 feet
Common Open Space (Development)	50%	60%	40%
Buffer Yard Depth (Development)	10 feet	10 feet	10 feet
<b>Maximum Regulations</b>			
Building Height	35 feet	35 feet	35 feet
Lot Coverage	25%	25%	25%

**SECTION 6.** Chapter 32 Zoning, Part 6 Cluster Development, Section 32-603 Open Space Standards, Subsection (a) is restated as follows:

(a) Requirements and Specifications.

(1) In the LDR Zoning District, if public sewer and water service is provided, a minimum of 50% of the gross area of the development shall be set aside as common open space. In the RC Zoning District, if public sewer and water service is provided, a minimum of 60% of the gross area of the development shall be set aside as common open space. If on-lot septic disposal (including community on-lot disposal systems) and/or on-lot water wells are provided, a minimum of 40%

of the gross tract area shall be set aside as common open space. No more than 50% of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

- (2) No more than 50% of the required open space shall include areas devoted to stormwater management facilities.
- (3) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible. At least 10% of the common open space shall be available to active recreational use, to the satisfaction of the Board of Supervisors, based upon guidelines issued by the Board of Supervisors.
- (4) The accessible area devoted to common open space shall be comprised of areas not less than 50 feet in width and shall not contain less than one contiguous acre of land. In addition, there shall be at least one designated common area within the development containing no less than 50% of the required open space.
- (5) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

**SECTION 7. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason held to be invalid, such invalidity shall not affect nor impair any remaining provision, sentence, clause, or part hereof, it being the intent of the Board of Supervisors of the Township of Amity that such remainder shall be and shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 8. Repealer.** The Code of Ordinances of the Township of Amity, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of the Township of Amity, upon adoption. All Ordinances or parts of Ordinances of the Township of Amity which are conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 9. Effective Date.** This Ordinance shall become effective immediately after enactment in accordance with the Pennsylvania Second Class Township Code.

**DULY ENACTED AND ENACTED** as an Ordinance by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, in lawful session duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Attest:

TOWNSHIP OF AMITY  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Pamela L. Kisch, Secretary

\_\_\_\_\_  
Kim McGrath, Chairperson

(SEAL)

\_\_\_\_\_  
Kevin Keifrider, Vice Chairperson

\_\_\_\_\_  
Paul Weller

\_\_\_\_\_  
Terry Jones

\_\_\_\_\_  
Nathaniel Halter

**MUNICIPAL CERTIFICATION**

I, Pam Kisch, Secretary of the Township of Amity, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2026-\_\_\_\_ , adopted at a regular meeting of the Board of Supervisors of the Township of Amity held on the \_\_\_\_ day of \_\_\_\_\_, 2026.

(SEAL)

\_\_\_\_\_  
Pam Kisch, Secretary

Date: \_\_\_\_\_, 2026