

**THE TOWNSHIP OF SPRING,
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 425

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF SPRING ZONING ORDINANCE OF 2015, ORDINANCE NO. 415 OF 2015, BY: (1) AMENDING SECTION 202 BY ADDING THERETO A DEFINITION FOR "COLLEGE-ADJACENT PROPERTY", AND AMENDING THE DEFINITION OF "DWELLING UNIT", (2) AMENDING SECTION 318 BY ADDING THERETO GARDEN APARTMENTS ON COLLEGE-ADJACENT PROPERTY AS A USE PERMITTED BY RIGHT IN THE PLANNED OFFICE/BUSINESS ZONING DISTRICT, (3) AMENDING SECTION 324(B)(43) BY REVISING CERTAIN DIMENSIONAL, DENSITY AND PARKING STANDARDS FOR GARDEN APARTMENTS; AND (4) AMENDING SECTION 701 REGARDING REQUIRED NUMBER OF OFF-STREET PARKING SPACES BY ADDING APARTMENTS UNDER THE RESIDENTIAL USE CATEGORY

NOW, THEREFORE, be it, and it is, hereby **ORDAINED**, by the Board of Commissioners of the Township of Spring, Berks County, Commonwealth of Pennsylvania, as follows:

SECTION 1. Section 202 the Township of Spring Zoning Ordinance of 2015 is hereby amended to delete therefrom the definition of "Dwelling Unit" and add the following definitions in alphabetical order:

COLLEGE-ADJACENT PROPERTY – land directly adjacent to a college or university, having a common lot line with the property upon which such college or university is located, and having direct pedestrian access capable of supporting a pedestrian walkway having a direct connection to such college or university, but which does not cross a public street. Such college or university must be state-licensed and must require that some or all of the students reside on or near the campus. This definition shall apply only for purposes of the specific use of "Garden Apartments located on College Adjacent Property" within the POB District.

DWELLING UNIT - one (1) or more living or sleeping rooms together with separate cooking and sanitary facilities which are accessible from the outdoors, whether directly or through an entrance hall shared with other dwelling units and used or intended to be used by a single family.

SECTION 2. Section 318(B) the Township of Spring Zoning Ordinance of 2015 is hereby amended by adding thereto a new Subsection (26) thereto, as follows:

"(26) Garden apartments located on college-adjacent property, as defined in Section 202***."

SECTION 3. Section 324(B)(43) the Township of Spring Zoning Ordinance of 2015 is hereby amended and restated in its entirety, as follows:

“(43) Garden Apartments or Single-Family Attached Dwellings (Townhouses).

(a) Uses. Permitted principal uses include dwelling units permitted in the district. Permitted accessory uses include a rental office, recreational facilities, off-street parking, indoor vending machines and laundry or laundromat facilities. These accessory uses shall be intended only for the use of the residents of the development.

(b) Sewer and Water. Each dwelling unit shall be served by a public sewer and centralized water system.

(c) All garden apartment or townhouse developments shall conform to all of the requirements as herein established:

	Garden Apartment	Single-Family Attached Dwellings
Minimum tract size:	5 acres	3 acres
Minimum lot width at building line:	300 feet	22 feet ⁱ
Minimum side yard:	75 feet	30 feet ⁱⁱ
Minimum rear yard:	75 feet	30 feet
Minimum front yard:	75 feet	30 feet
Distance between buildings:	See §324(B) (43)(d)(4)	See §324(B) (43)(d)(4)
Parking area setback from lot line or street ultimate right-of-way	30 feet	30 feet ⁱⁱⁱ
Maximum dwelling units per gross acre	15	10
Minimum usable open space (not including driveway areas) devoted solely to recreational use and activities:	0% of the tract	10% of the tract ^{iv}
Maximum height:	3 Stories or 40 feet	2-1/2 Stories or 35 feet ^v

Maximum building coverage:	50%	50%
Maximum impervious coverage:	70%	70%

- NOTE: i Minimum width of a townhouse dwelling unit is twenty-two (22) feet per unit.
- ii Applies to end building only.
- iii Parking areas for individual townhouses.
- iv Usable open space shall not include front, side and/or rear yards of an individual townhouse or garden apartment.
- v Whichever is less.

NOTE: See §327(C) of this Chapter for special standards relating to storage sheds and other accessory uses, buildings and structures.

(d) Notwithstanding the provisions of the above requirements, the following shall also apply:

1) No more than six (6) townhouse dwelling units shall be attached.

2) The developer should vary architectural treatments within apartment projects, individual apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

3) The horizontal distance between groups of townhouses or garden apartments shall be at least:

i) Two (2) times the average height of the two (2) groups of townhouses and garden apartments for front or rear walls facing front or rear walls.

ii) One and one-half (1-1/2) times the average height for front or rear walls facing side walls.

iii) Equal to the height of the highest building for side walls facing side walls.

4) Unless a larger setback is otherwise required in this Chapter, the minimum distance between a building and a street, driveway or parking area should not be less than fifteen (15) feet.

5) Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

6) Garden apartment buildings shall not exceed two hundred fifty (250) feet in length.

7) In the event a development is designed to contain more than one (1) permitted use, the submitted plan shall indicate an area designed for each such use and shall designate all requirements of this Chapter for each area.

(e) Number of Spaces. Off-street parking, whether garage or on-lot, shall be provided on the premises at the following rates:

1) Garden apartments located on college-adjacent properties: one (1) space for each bedroom (but not less than two (2) spaces per dwelling unit) plus one (1) space for every three (3) dwelling units.

2) All other garden apartments: two (2) spaces for each dwelling unit.

(f) Requirements for off-street parking area shall be as follows:

1) All access drives and parking areas shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

2) All parking areas shall be designed in accordance with requirements of §703, except as modified by this Section.

3) Access drives and driveways shall be designed in accordance with the requirements of §704.

4) All parking areas that include twenty (20) or more spaces shall be separated from view of any public street and directly abutting single-family detached residence by a buffer yard as described in §405(1), but with a width of ten (10) feet. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

5) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.

6) No more than sixty (60) parking spaces shall be accommodated in any single parking area. A single parking area shall be separated by a minimum of thirty (30) feet of interruption by landscaping measured along the centerline of the access drive or aisle to any adjoining parking areas.

7) The total length of any single or combined parking area shall not exceed six hundred (600) feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area. Where a combined parking area has a second access point to a public or private street, the total length of any single or combined parking area shall not exceed twelve hundred (1,200) feet measured from the centerlines of the intersecting public or private streets providing access.

8) In the case of townhouses, no more than fifty percent (50%) of the required front yard shall be used for parking.

(g) The developer shall install a storm runoff and drainage system in accordance with acceptable engineering practices so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, at a rate no greater than existed prior to development. Plans for such drainage system shall be submitted and shall be subject to approval by the Township Engineer of the Township.

(h) All provisions of existing Township ordinances and subdivision and land development ordinances regarding storm drainage shall be complied with.

(i) Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public sheets and not to cause any annoyance to building occupants or surrounding property owners or residents. All lighting shall comply with the provisions of §513.

(j) Exterior storage areas for trash and rubbish shall be visually screened on three (3) sides and contained in airtight, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(k) Swimming Pool.

1) No structure shall be permitted without a filtering system utilizing chlorinated water.

2) No structure shall be permitted unless a permanent continuous fence which is four (4) feet minimum in height surrounds the facilities.

3) No structure shall be within fifty (50) feet of any property line or easement.

4) No structure shall be constructed between the building setback line and the street line.

5) No structure shall be permitted unless surrounded by a paved surface extending a minimum of five (5) feet from the water line.

6) Lighting shall not create a glare on any surrounding properties.

7) No persons other than residents and their guests shall be permitted to use the facility.

8) One (1) parking space for each three (3) dwelling units shall be provided in addition to the residential requirements. Such additional parking spaces shall not be required for garden apartments located on college-adjacent property.

(l) Outdoor Recreation.

1) Such facilities shall be limited to tennis courts, which are completely surrounded by a fence ten (10) feet in height, barbecue or other cookout facilities constructed of permanent material, yards which are completely landscaped, garden areas for tenant use, playlots, provided that facilities located in this area are surrounded by fencing at least four (4) feet in height, with benches for adults; facilities for such games as shuffleboard or basketball, provided that a paved surface is provided and that such facilities are located at least fifty (50) feet from any building.

2) No outdoor recreational facilities, except yards and garden areas shall be located within fifty (50) feet of any lot line.

3) No outdoor facilities, except yards, shall be located

between the building setback line and the street line.

(m) No outdoor clotheslines shall be located in any required side yard, rear yard or between the building setback line and the street line with permanent metal poles for support.

(n) No activities shall be permitted which create a public nuisance and/or interfere with the use of adjacent land.

(o) No structure or building shall be permitted specifically designed for pets.

(p) Garden apartment and townhouse development shall be deemed to be a subdivision governed by the provisions and procedures of the Township's Subdivision and Land Development Ordinance (Chapter XXVII) and the procedures established in said ordinance for approval shall be followed."

SECTION 4. Table 7.1 of Section 701 of the Township of Spring Zoning Ordinance of 2015 is hereby amended to add the following category under RESIDENTIAL USES:

CATEGORY	NUMBER OF REQUIRED PARKING SPACES
RESIDENTIAL USES	
Apartments, Garden or Upper Level	See § 324(B)(43)(e).

SECTION 5.

A. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

B. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the Board of Commissioners of Spring Township.

ENACTED AND ORDAINED this 23rd day of January, 2017.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF SPRING,
BERKS COUNTY, PENNSYLVANIA

Bryan W. Ulrich
Chairman

[Signature]
Vice Chairman

[Signature]
Member

Alan S. Keider
Member

Member

Attest: Henry Rowan
Secretary

MUNICIPAL CERTIFICATION

I, Ashley Rowan, (Assistant) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 425 was advertised in the Reading Eagle, a daily newspaper of general circulation in the Township of Spring, on January 7, 2017, and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on January 23, 2017.

Date: January 23, 2017

Ashley Rowan
(Assistant) Secretary

[SEAL]