

ORDINANCE NO. 431

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF SPRING ZONING ORDINANCE OF 2015, ORDINANCE NO. 415 OF 2015 (CHAPTER XXXII ENTITLED "ZONING" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF SPRING), BY: (1) AMENDING SECTION 202 ENTITLED DEFINITIONS OF PART 2 ENTITLED "DEFINITIONS", TO ADD DEFINITIONS FOR "BUILDING AREA, TOTAL", "CENTRAL GREEN", "FLOOR AREA RATIO (FAR)", "GREENWAY", "MIXED-USE DEVELOPMENT", "PEDESTRIAN MALL", AND "PLAZA"; (2) AMENDING SECTION 314 ENTITLED "PENN AVENUE COMMERCIAL DISTRICT (PAC)" AND SECTION 318 ENTITLED "PLANNED OFFICE / BUSINESS DISTRICT (POB)", OF PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO ADD MIXED USE DEVELOPMENT AS A USE PERMITTED BY RIGHT; AND (3) AMENDING SECTION 324 ENTITLED "COMPLIANCE AND PERFORMANCE STANDARDS FOR CERTAIN PRINCIPAL USES", OF PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO ADD A NEW SUBSECTION ENTITLED "MIXED-USE DEVELOPMENT" TO ESTABLISH REGULATIONS INCLUDING PURPOSE, USES PERMITTED BY RIGHT WITHIN THE PAC DISTRICT, USES PERMITTED BY RIGHT WITHIN THE POB DISTRICT, ADDITIONAL USES PERMITTED BY RIGHT WITHIN ALL MIXED-USE DEVELOPMENTS, SPECIAL EXCEPTION USES, CONDITIONAL USES, USES PROHIBITED WITHIN A MIXED-USE DEVELOPMENT, LAND USE GROUPS, MIXING REQUIREMENTS FOR LAND USE GROUPS, OVERALL DEVELOPMENT INTENSITY, EXAMPLES OF FLOOR AREA RATIO (FAR) CALCULATIONS, MIXED-USE DIMENSIONAL REQUIREMENTS, ADDITIONAL REQUIREMENTS FOR GARDEN APARTMENTS AND TOWNHOUSES, SPECIAL EXCEPTION CRITERIA FOR ADDITIONAL BUILDING STORIES, GENERAL LAYOUT, STANDARDS FOR APPROVAL OF A MIXED-USE DEVELOPMENT, EXEMPTIONS FROM CERTAIN COMPLIANCE AND PERFORMANCE STANDARDS, BUILDING DESIGN STANDARDS FOR MIXED-USE DEVELOPMENTS, PARKING DESIGN STANDARDS FOR MIXED-USE DEVELOPMENTS, PROVISIONS OF PENN AVENUE OVERLAY

**DISTRICT (PAO), PEDESTRIAN DESIGN STANDARDS FOR MIXED-USE DEVELOPMENTS, SIDEWALK DISPLAYS OF RETAIL MERCHANDISE, OPEN SPACE AND PLAZA DESIGN STANDARDS FOR MIXED-USE DEVELOPMENTS, LIGHTING STANDARDS FOR MIXED-USE DEVELOPMENTS, OUTDOOR DINING AND SIGNS.**

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Township of Spring") and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Section 202 entitled "Definitions", of Part 2 entitled "Definitions", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is amended to add definitions for "Building Area, Total", "Central Green", "Floor Area Ratio (Far)", "Greenway", "Mixed-Use Development", "Pedestrian Mall", and "Plaza", as follows:

**BUILDING AREA, TOTAL** - the total gross square footage of all floors of a building, including any covered outdoor space, as measured from the outside of all exterior walls and supporting columns. This definition shall apply only for purposes of determining the floor area ratio (FAR) of a mixed-use development.

**CENTRAL GREEN** - a centrally-located open space area available for unstructured recreation, its landscape consisting of grassy areas and trees.

**FLOOR AREA RATIO (FAR)** - the square footage of the total building area, divided by the total square footage of the lot area or tract size.

**GREENWAY** - an open space conservation area that provides passive recreation opportunities and may have pedestrian and/or bicycle trails.

**MIXED-USE DEVELOPMENT** - a development consisting of one or more lots established as a cohesive project and designed with a blend of various compatible uses such as commercial, residential, institutional and open space. The uses may be located in the same building or in separate buildings.

**PEDESTRIAN MALL** - an open space area of street-like proportions given over entirely to pedestrian traffic, where the need for a vehicular right-of-way is minimal and vehicular traffic can be routed elsewhere.

**PLAZA** - an open space that may be landscaped, or paved, typically surrounded by buildings or streets and used for passive recreation and

relaxation. A plaza shall be designed as an area where people can gather and special events can be held. A plaza shall contain a defined central element such as a fountain, sculpture, gazebo or pond and other amenities such as public art, shade trees, trash containers, benches, decorative pedestrian lights and other similar features.

SECTION 2. Section 314 entitled "Penn Avenue Commercial District (PAC)" of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Township of Spring Code of Ordinances is hereby amended to add Mixed-Use Development as a use permitted by right, as follows:

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Penn Avenue Commercial District by the Zoning Officer, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied:

- (1) Adult day care\*,\*\*.
- (2) Ambulatory surgical center\*,\*\*.
- (3) Animal hospital\*,\*\*.
- (4) Apartments on the upper levels of buildings containing a permitted nonresidential use\*,\*\*.
- (5) Art or photography studio\*.
- (6) Beverage distributor\*,\*\*.
- (7) Bakery\*.
- (8) Catering establishment\*.
- (9) College, excluding those with dormitories\*,\*\*.
- (10) Combination of uses permitted by right\*,\*\*.
- (11) Community center\*,\*\*.
- (12) Construction company, excluding those that have substantial outdoor storage of equipment or materials\*/\*\*\*.
- (13) Convenience store\*,\*\*.
- (14) Copy center\*.
- (15) Cultural center\*.
- (16) Financial establishment\*,\*\*.
- (17) Food stand\*,\*\*.
- (18) Forestry, including, but not limited to, timber harvesting\*,\*\*.
- (19) Funeral home\*.
- (20) Health Club\*,\*\*.
- (21) Holiday tree sales\*\*.
- (22) Hospital or medical center\*,\*\*.
- (23) Indoor civic or social organization\*,\*\*.

- (24) Indoor membership club or lodge\*,\*\*.
- (25) Medical clinic or medical office\*,\*\*.
- (26) Miniature golf (outdoor)\*,\*\*.
- (27) Mixed-use development\*,\*\*.
- (28) Multiple use building\*,\*\*.
- (29) Nursery school or day care center\*,\*\*.
- (30) Office\*.
- (31) Personal service establishment\*,\*\*.
- (32) Pet grooming establishment\*. \*\*.
- (33) Recreation, municipal\*.
- (34) Recreation, non-municipal indoor\*,\*\*.
- (35) Restaurant, fast food\*,\*\*.
- (36) Restaurant, fast food with drive-through service\*,\*\*.
- (37) Restaurant, standard\*,\*\*.
- (38) Retail greenhouse/nursery\*,\*\*.
- (39) Retail store\*,\*\*.
- (40) Temporary retail sales\*,\*\*.
- (41) Township-owned use, including Township park and fire station.
- (42) Vocational school\*,\*\*.

\* Site Plan Review required (see Section 409)

\*\* See Section 324 for additional requirements.

SECTION 3. Section 318 entitled "Planned Office / Business District (POB)" of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Township of Spring Code of Ordinances is hereby amended to add Mixed-Use Development as a use permitted by right, as follows:

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Office/Business Commercial District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied.

- (1) Apartments on the upper levels of buildings containing a permitted nonresidential use\*,\*\*.
- (2) Art or photography studio\*.
- (3) Civic or social organization\*,\*\*.
- (4) Combination of uses permitted by right\*,\*\*.
- (5) Communications antennae mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings\*,\*\*.

- (6) Conference/training center\*,\*\*.
- (7) Convenience store\*,\*\*.
- (8) Copy center\*.
- (9) Cultural center\*.
- (10) Forestry, including but not limited to, timber harvesting\*,\*\*.
- (11) Financial establishments, including banking and banking operations center and automated banking machines\*,\*\*.
- (12) Garden apartments located on college-adjacent property, as defined in Section 202\*,\*\*.
- (13) Indoor sports facility\*,\*\*.
- (14) Medical office or medical clinic\*,\*\*.
- (15) Membership club\*,\*\*.
- (16) Miniature golf (outdoor)\*,\*\*.
- (17) Mixed-use development\*,\*\*.
- (18) Multiple use building\*,\*\*.
- (19) Nursery school or day care center\*,\*\*.
- (20) Office\*.
- (21) Recreation, municipal\*.
- (22) Recreation, non-municipal indoor\*,\*\*.
- (23) Recreation, non-municipal outdoor\*,\*\*.
- (24) Restaurant, standard\*,\*\*.
- (25) Retail greenhouse/nursery\*,\*\*.
- (26) Retail store, having a total floor area less than 50,000 square feet \*,\*\*.
- (27) Township-owned use, including Township park fire station.

\* Site plan review required. (see §409)

\*\* See §324 for additional requirements.

SECTION 4. Section 324 entitled "Compliance and Performance Standards for Certain Principal Uses", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Township of Spring Code of Ordinances is hereby amended to add a new Subsection (65) entitled "Mixed-Use Development" as follows, and thereafter, to renumber the remaining Subsections accordingly:

#### (65) Mixed-Use Development

(a) Purpose. The purpose of a Mixed-Use Development is to create a walkable, livable, and attractive development center in the community intended to:

- 1) Encourage economic development through the creation of a variety of compatible uses.

2) Provide opportunities for multi-family housing in a manner that would integrate well with a mixture of retail, personal service and businesses, while maintaining the livability of the residences.

3) Promote a walkable community with pedestrian-oriented buildings and open space that connects to nearby destinations.

4) Ensure that new development is consistent with and enhances the nearby streetscape.

5) Promote the adaptive reuse of existing buildings.

(b) Uses Permitted by Right within the PAC District. Except for the prohibited uses listed below, each principal use permitted by right within the Penn Avenue Commercial (PAC) District, as listed under Section 314(B), shall be permitted by right within a Mixed-Use Development located within the PAC District, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied.

(c) Uses Permitted by Right within the POB District. Except for the prohibited uses listed below, each principal use permitted by right within the Planned Office Business (POB) District, as listed under Section 318(B), shall be permitted by right within a Mixed-Use Development located within the POB District, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied.

(d) Additional Uses Permitted by Right within all Mixed-Use Developments. Each of the following uses, which are otherwise permitted by special exception within the Penn Avenue Commercial (PAC) District or the Planned Office Business (POB) District, are permitted by right within all Mixed-Use Developments, without the requirement to obtain Zoning Hearing Board approval:

- 1) Amusement establishment\*.
- 2) Auditorium\*.
- 3) Off-street parking not located on the same lot as the permitted principal use\*.
- 4) Place of worship\*.

\*See Section 324 for additional requirements

(e) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in any Mixed-Use Development by Special Exception by the Board in accordance with the standards contained in §325 of this Chapter:

- 1) Garden apartments\*,\*\*.
- 2) Micro-brewery, micro-winery or micro-distillery\*.
- 3) Single family attached dwellings (townhouses)\*,\*\*.
- 4) Tavern\*.

\* See Section 324 for additional requirements

\*\*See Section 324(B)(43) for additional requirements for garden apartments and single family attached dwellings

(f) Conditional Uses. The following principal use and its accessory uses may be permitted in any Mixed-Use Development by Conditional Use by the Board of Supervisors in accordance with the standards contained in §326 of this Chapter:

- 1) Hotel\*.

\* See Section 324 for additional requirements

(g) Uses Prohibited within a Mixed-Use Development. Despite the following uses being permitted within the Penn Avenue Commercial (PAC) District or the Planned Office Business (POB) District, such uses are prohibited within a Mixed-Use Development:

- 1) Any use which contains drive-through facilities.
- 2) Beverage distributor.
- 3) Communication antennae.
- 4) Convenience store which contains fuel pumps.
- 5) Forestry.
- 6) Funeral home.
- 7) Holiday tree sales.

- 8) Indoor sports facility.
- 9) Miniature golf, outdoor.
- 10) Recreation, non-municipal outdoor.
- 11) Retail greenhouse/nursery.
- 12) Temporary retail sales

(h) Land Use Groups. Uses within a Mixed-Use Development are categorized into the following land groups:

**Group 1 Uses:** Office, entertainment, institutional and related uses, including:

- 1) Adult day care.
- 2) Ambulatory surgical center.
- 3) Amusement establishment.
- 4) Animal hospital.
- 5) Auditorium.
- 6) Civic or social organization.
- 7) Conference /training center.
- 8) Copy center.
- 9) College, excluding those with dormitories.
- 10) Community center.
- 11) Construction co., excluding those that have substantial outdoor storage of equipment or materials.
- 12) Cultural center.
- 13) Financial establishment.
- 14) Health club.
- 15) Hospital or medical center.
- 16) Indoor civic or social organization.
- 17) Medical office or clinic.
- 18) Membership club.
- 19) Nursery school or day care.
- 20) Office.
- 21) Place of worship.
- 22) Recreation, non-municipal indoor.
- 23) Township-owned use.
- 24) Vocational school.

**Group 2 Uses:** Retail, restaurant, and related uses, including:

- 1) Art or photography studio.



- 2) Bakery.
- 3) Catering establishment.
- 4) Convenience store.
- 5) Hotel.
- 6) Micro-brewery, micro-winery or micro-distillery.
- 7) Personal service establishment.
- 8) Restaurant, fast food.
- 9) Restaurant, food stand.
- 10) Restaurant, standard.
- 11) Retail store.
- 12) Tavern.

**Group 3 Uses:** Residential, including:

- 1) Apartments on the upper levels of buildings containing a permitted nonresidential use.
- 2) Garden apartments.
- 3) Single family attached dwellings (townhouses).

(i) Mixing Requirements for Land Use Groups.  
Mixed-Use Development shall comply with the following requirements for the relative percentages of land use groups, depending upon the size of the development:

<u>Tract Size</u>	<u>Mixing Requirements (percent of total floor area)</u>		
Less than 3 acres	No mixing requirements. Developments may consist of one or more uses.		
3 acres to less than 5 acres	Mixed-Use Development shall include at least two of the land use groups listed above, with each of the required groups comprising at least 10% of the development's building floor area. In addition, Group 2 uses and Group 3 uses shall each not exceed 45% of the development's building floor area.		
5 acres to less than 15 acres	Uses According to Group	<u>Minimum Floor Area</u>	<u>Maximum Floor Area</u>
	Group 1 Uses	20%	70%
	Group 2 Uses	20%	50%
	Group 3 Uses	10%	50%

15 acres or greater	Uses According	Minimum	Maximum
	<u>to Group</u>	<u>Floor Area</u>	<u>Floor Area</u>
	Group 1 Uses	10%	70%
	Group 2 Uses	10%	50%
	Group 3 Uses	20%	75%

(j) Overall Development Intensity.

1) The maximum overall intensity of a Mixed-Use Development shall be based upon the permitted Floor Area Ratio (FAR) in accordance with the provisions listed below. FAR is defined as “the square footage of the total building area, divided by the total square footage of the Lot Area or Tract Size”. The Total Building Area in this calculation takes into account the number of floors of a building.

2) The Floor Area Ratio (FAR) shall be utilized to determine the total floor area allowed within a development based upon the size of the tract being developed; the higher this number, the more floor area that may be developed. The floor area ratio shall be applied to the entire Mixed-Use Development, not to individual lots within the development. (See examples of FAR calculations in § 324(B)(62)(k)).

3) Any Mixed-Use Development may have a Floor Area Ratio (FAR) up to 1.5. This maximum may be increased by the Township where a Mixed-Use Development qualifies for the bonuses listed below by providing the increased amenities or services specified.

4) The maximum permitted Floor Area Ratio (FAR) may be increased by the Township to 2.0 if it is determined that a Mixed-Use Development qualifies for such bonus based upon the provision of any of the following:

i) The provision of high quality open space and amenities which increases the retail viability and attractiveness of the development.

ii) A high potential to revitalize adjacent parcels, in particular neighboring commercial areas.

iii) A high level of architectural design. This may include diversity of building types and sizes, articulated facades to increase visual interest and conformity to the surrounding community's character and scale, street level windows with visually prominent framing, variations in roof lines, compatible building materials and colors, and entryway design elements and variations.

5) A Mixed-Use Development that qualifies for the bonuses listed above and also has been determined by the Commissioner of Public Safety to include significant safety, firefighting, fire prevention or emergency access facilities or features, beyond those which are required by applicable regulations, shall qualify for a maximum Floor Area Ratio (FAR) of 2.5.

(k) Examples of Floor Area Ratio (FAR) Calculations. These examples are provided solely for the purpose of demonstrating how the FAR calculations should be performed. They are not intended to demonstrate buildings or layouts that are in full compliance with all provisions of the Mixed-Use Development regulations.

### Example No. 1

#### Site Data:

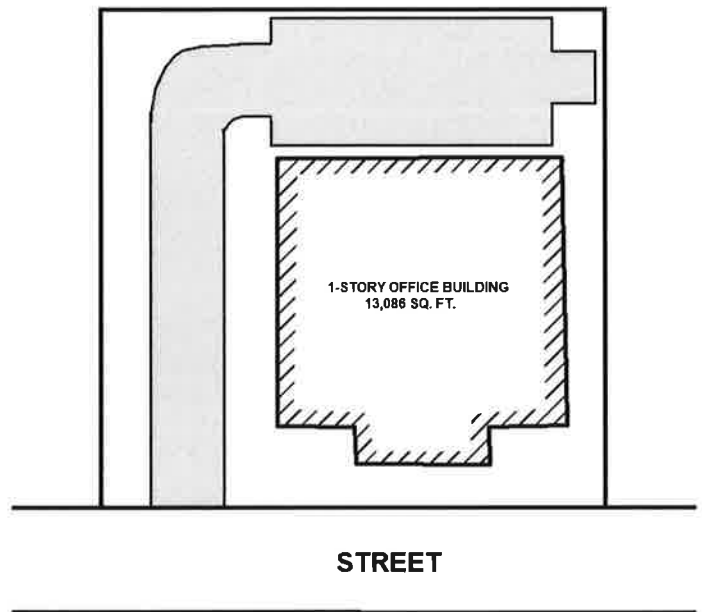
No. of Lots: 1  
Lot Area: 21,780 sq. ft.  
(1/2 acre)

#### Building Data:

No. of Buildings: 1  
No. of Stories: 1  
Building Footprint: 13,086 sq. ft.  
Building Coverage: 60%

#### FAR Calculations:

Total Bldg. Area = 13,086 X (no. of stories)  
= 13,086 X (1) = 13,086  
FAR = (13,086/21,780) = 0.60



### Example No. 2

#### Site Data:

No. of Lots: 1  
Lot Area: 43,560 sq. ft.  
(1 acre)

#### Building Data:

##### Building A:

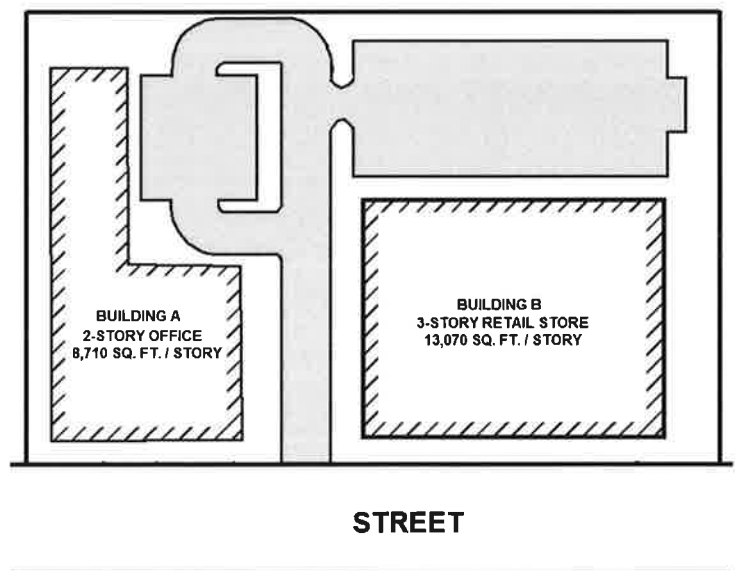
No. of Stories: 2  
Building Footprint: 8,710 sq. ft.

##### Building B:

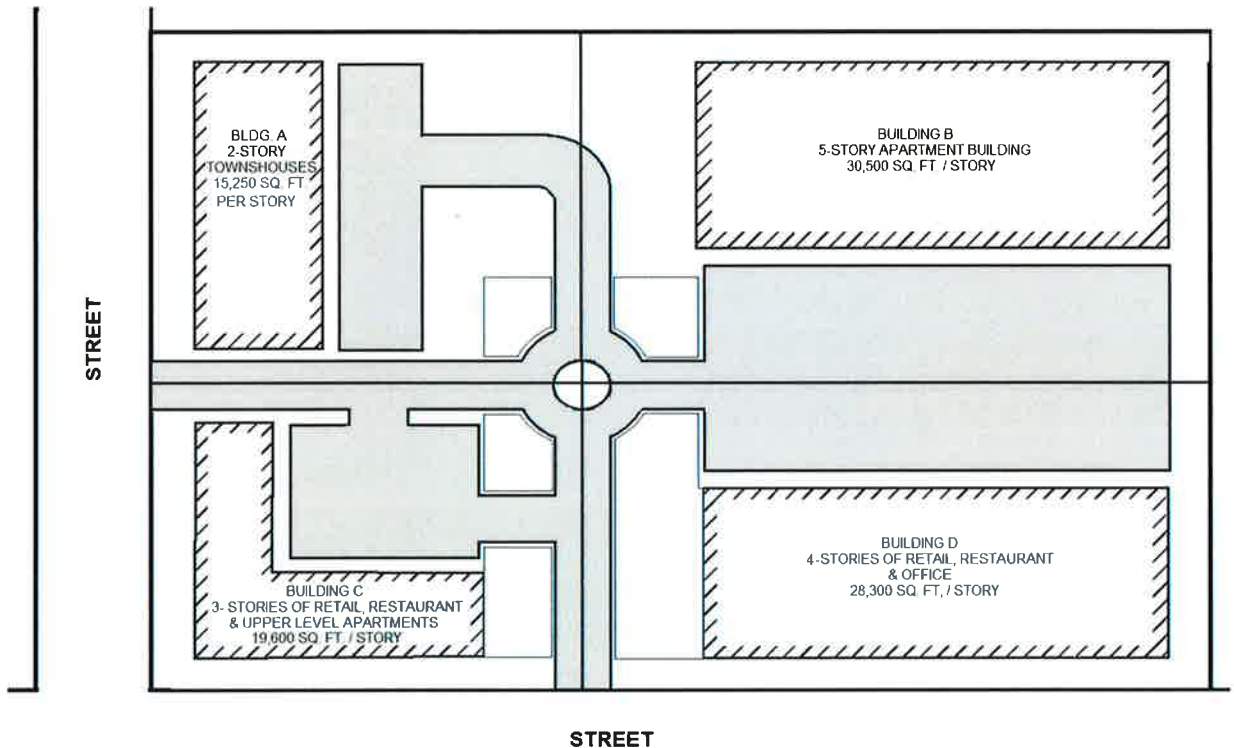
No. of Stories: 3  
Building Footprint: 13,070 sq. ft.  
Building Coverage: 50%

#### FAR Calculations:

Total Bldg. Area = 8,710 X (2 stories) +  
13,070 X (3 stories) =  
= 56,630  
FAR = (56,630/43,560) = 1.30



### Example No. 3



#### Site Data:

No. of Lots: 4  
 Tract Size: 217,800 sq. ft.  
 (5 acres)

#### FAR Calculations:

Total Bldg. Area = 15,250 X (2 stories) +  
 30,500 X (5 stories) +  
 19,600 X (3 stories) +  
 28,300 X (4 stories) =  
 = 355,000

FAR = (355,000 / 217,800) = 1.63

#### Building Data:

##### Building A:

No. of Stories: 2  
 Building Footprint: 15,250 sq. ft.

##### Building B:

No. of Stories: 5  
 Building Footprint: 30,500 sq. ft.

##### Building C:

No. of Stories: 3  
 Building Footprint: 19,600 sq. ft.

##### Building D:

No. of Stories: 4  
 Building Footprint: 28,300 sq. ft.

Building Coverage: 43%

(l) Mixed Use Dimensional Requirements. All Mixed-Use Development shall comply with the following dimensional requirements, where applicable:

---

DIMENSIONAL REQUIREMENTS FOR MIXED-USE DEVELOPMENTS

WITHIN THE PAC DISTRICT

---

	<u>Residential Uses</u> <u>(Garden Apartments &amp;</u> <u>Townhouses)</u>	<u>Nonresidential Uses</u> <u>(With or without</u> <u>Upper Level Apartments)</u>
Setbacks along Exterior Tract Boundaries	Front Yd.: 5 ft. Side Yd.: 10 ft. Rear Yd.: 25 ft.	Front Yd.: 5 ft. Side Yd.: 10 ft. Rear Yd.: 25 ft.
Min. Tract Area	10,000 sq. ft.	10,000 sq. ft.
Min. Tract Width	-	100 ft.
Min. Lot Area	2,000 sq. ft. <sup>1</sup>	10,000 sq. ft.
Min. Lot Width	22 feet <sup>1</sup>	100 ft.
Max. Building Coverage <sup>2</sup>	60%	60%
Total Impervious Coverage <sup>2</sup>	75%	75%
Max. Building Height	3 stories <sup>3,7</sup> or 40 feet <sup>3,4,7</sup>	3 stories <sup>3,7</sup> or 40 feet <sup>3,4,7</sup>
Min. Front Yard <sup>5</sup>	5 feet	5 feet
Min. Side Yard <sup>5</sup> (one)	10 feet	10 feet
Min. Rear Yard <sup>5</sup>	25 feet	25 feet
Building Separation Distances <sup>6</sup>	30 feet or the distance equivalent to the average height of the 2 buildings, whichever is greater	

---

<sup>1</sup> For townhouse units.

<sup>2</sup>Maximum building & impervious coverage shall apply to overall mixed-use development, not to individual lots within the development.

<sup>3</sup> Zoning Hearing Board may increase number of stories, and the corresponding building height, by special exception (See § 324(B)(62)(n)).

<sup>4</sup> Whichever is less.

<sup>5</sup> For internal lot lines.

<sup>6</sup> Between multiple residential buildings located on the same lot.

<sup>7</sup> Where proposed residential or nonresidential buildings, having heights in excess of 3 stories or 40 feet, are located along exterior tract boundaries that adjoin existing residential uses, buffer yards and planting screens complying with the provisions of § 405(I) shall be provided.

**DIMENSIONAL REQUIREMENTS FOR MIXED-USE DEVELOPMENTS  
WITHIN THE POB DISTRICT**

	<u>Residential Uses</u>		<u>Nonresidential Uses</u> <u>(With or without</u>
	<u>Garden Apartments</u>	<u>Townhouses</u>	<u>Upper Level Apartments)</u>
Setbacks along	Front Yd.: 75 ft.	Front Yd.: 30 ft.	Front Yd.: 5 ft.
Exterior Tract	Side Yd.: 75 ft.	Side Yd.: 30 ft.	Side Yd.: 10 ft.
Boundaries	Rear Yd.: 75 ft.	Rear Yd.: 30 ft.	Rear Yd.: 25 ft.
Min. Tract Area	5 acres	3 acres	10,000 sq. ft.
Min. Tract Width	300 feet	-	100 ft.
Min. Lot Area	-	2,000 sq. ft.	10,000 sq. ft.
Min. Lot Width	-	22 ft.	100 ft.
Max. Building	50%	50%	60%
Coverage <sup>1</sup>			
Total Impervious	70%	70%	75%
Coverage <sup>1</sup>			
Max. Building	5 stories <sup>2,6</sup> or 60 feet <sup>3</sup>	3 stories <sup>2,6</sup> or 40 feet <sup>3</sup>	5 stories <sup>2,6</sup> or 60 feet <sup>3</sup>
Height			
Min. Front Yard <sup>4</sup>	5 feet	5 ft.	50 ft.
Min. Side Yard <sup>4</sup>	10 feet	10 ft.	20 ft.
(one)			
Min. Rear Yard <sup>4</sup>	25 feet	25 ft.	30 ft.
Building Separation	30 feet or the distance equivalent to the average height of the 2 buildings, whichever is greater		
Distances <sup>5</sup>			

<sup>1</sup>Maximum building & impervious coverage shall apply to overall mixed-use development, not to individual lots within the development.

<sup>2</sup> Zoning Hearing Board may increase number of stories, and the corresponding building height, by special exception (See § 324(B)(62)(n)).

<sup>3</sup> Whichever is less.

<sup>4</sup> For internal lot lines.

<sup>5</sup> Between multiple residential buildings located on the same lot.

<sup>6</sup> Where proposed residential or nonresidential buildings, having heights in excess of 3 stories or 40 feet, are located along exterior tract boundaries that adjoin existing residential uses, buffer yards and planting screens complying with the provisions of § 405(I) shall be provided.

(m) Additional Requirements for Garden Apartments and Townhouses. In addition to the provisions in Section (i) above, portions of Mixed-Use Developments containing garden apartments or townhouses shall comply with the following:

1) The maximum length of a building containing garden apartments shall be one hundred sixty feet (160') within the PAC District and two hundred fifty feet (250') within the POB District.

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

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

(n) Special Exception Criteria for Additional Building Stories. The Zoning Hearing Board, in accordance with the procedures listed for special exceptions in Part 8 of this Chapter, may increase the number of allowable stories, and the corresponding building height, for buildings within a Mixed-Use Development. The granting of an increase in the number of stories, or building height, does not increase the permitted Floor Area Ratio (FAR) of the development. The Zoning Hearing Board shall consider the following when reviewing an application for such special exception approval:

1) The approval of additional stories shall not adversely affect the character of the general neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.

2) Adequate parking facilities to accommodate the additional stories shall be provided.

3) The Township Commissioner of Public Safety shall determine that the additional building stories shall not present increased safety, firefighting, fire prevention or emergency access concerns.



(o) General Layout. All Mixed-Use Developments shall comply with the following:

1) The various land uses shall be laid out and spaced to make walking from one land use to any other land use as easy as possible.

2) Retail uses shall be located as physically close to as many of the following on and off-site features as possible: existing retail areas, bus stops, existing collector or arterial streets, and proposed plaza areas.

3) Within a Mixed-Use Development that includes single-use residential buildings (garden apartments or townhouses), such buildings shall be located so as to provide a transition between any abutting off-site residential zoning districts or uses and any nonresidential uses of higher concentration within the Mixed-Use Development. Such buildings shall not alter the essential character of the neighborhood within which the development is located.

4) Where the Tract Size permits, streets shall be laid out with blocks that include public pedestrian connections through the blocks. Such blocks shall be laid out so that there shall be a street intersection or pedestrian connection, at a minimum, every three hundred feet (300').

5) Mixed-Use Developments shall be designed to support existing or future public transportation service through the provision of bus shelters and roads and access drives designed to accommodate bus traffic.

(p) Standards for Approval of a Mixed-Use Development. To assure that the intent and requirements of a Mixed-Use Development are complied with, the following shall be addressed in the application for a Mixed-Use Development.

1) Site Plan. A Site Plan is required. See Section 409.

2) Relationship to Surroundings. The applicant shall show how the development will be coordinated with access and utilities of other existing or proposed developments in the vicinity.

3) Open Space and Landscaping. The application shall include an overall plan of open spaces and landscaping. The plan shall be implemented through a series of deed restrictions on each lot.

4) Coordinated access. Any Mixed-Use Development shall make the absolute maximum use possible of the interior streets and access drives, as opposed to numerous driveways entering onto existing public streets. Where applicable, deed restrictions shall be placed on any individual lots that are created, to require access to the interior street system only.

5) Easements for Access. The Board of Supervisors may, at the time of approval of a subdivision or land development within a Mixed-Use Development, require a lot or tract to provide an easement, stub street extension and/or street right of way extension for vehicular traffic to adjoining tracts to allow an efficient interior access system.

6) Shared Parking. Where shared or common parking areas are proposed to serve multiple buildings, uses or lots, evidence of continued availability and maintenance responsibility, in the form of written agreements, deed restrictions or covenants, shall be provided and, upon approval, shall be recorded in the Berks County Recorder of Deeds Office.

7) Traffic Impact Study. When the proposed development would meet the criteria for a traffic study specified in the Subdivision and Land Development Ordinance (Chapter XXVII), or when determined necessary by the Township Engineer, an application for a Mixed-Use Development shall include a Traffic Impact Study addressing the anticipated impact of the proposed development.

8) Staged Construction. If development is to occur in progressive stages, each stage shall be planned and occur so that the purposes and requirements of this Chapter, including the provision of open space, are fully complied with at the completion of each stage. Each stage shall be shown on the plan. For developments with total project

areas greater than fifteen (15) acres, the initial stage shall encompass a minimum of forty percent (40%) of the Total Building Area. The initial stage shall not consist of a single use group, but shall contain components of each required use group. In no case shall the staging of the project result in an interim condition having construction of more than fifty percent (50%) of the total proposed residential units, without including construction of buildings for the other required use groups.

9) Information on Covenants.

i) A Mixed-Use Development shall include a reasonable set of deed restrictions or covenants imposed by the developer on each lot. These covenants shall cover types of uses, maintenance of lots and open space, shared parking and commercial operations, with a proper means for enforcement. The covenants shall also be written to carry out the purposes and requirements of a Mixed-Use Development.

ii) A Mixed-Use Development shall be in single ownership or under a unified management control. Deed restrictions or covenants shall ensure compliance with this requirement.

iii) Where lots within a Mixed-Use Development would not separately comply with all provisions of this Chapter if considered as individual, stand-alone lots, deed restrictions or covenants shall stipulate that the lot shall remain part of the Mixed-Use Development and shall conform with the provisions of the Mixed-Use Development regulations and all applicable deed restrictions or covenants.

iv) The language of these covenants shall be presented to the Township before a Mixed-Use Development is approved.

10) Sewer and Water. All lots and/or uses within a Mixed-Use Development shall be provided with public sewer and water services.

(q) Exemptions from Certain Compliance and Performance Standards. When a permitted use is located within a Mixed-Use Development:

1) Any specific setback requirements listed for that use, other than those included in the provisions of Section (l) above, shall apply only to the exterior boundary of the Mixed-Use Development, and not to any interior lot lines.

2) Any specific lot area requirements listed for that use, other than those included in the provisions of Section (l) above, shall apply only to the total area of the Mixed-Use Development, not to an individual lot located within the Mixed-Use Development.

3) Any requirement that such use be located on a lot abutting and having direct vehicular access onto an arterial or collector street shall be deemed met if the Mixed-Use Development abuts and has direct access to such a street.

(r) Building Design Standards for Mixed-Use Developments

1) Buildings containing nonresidential uses and located within the Penn Avenue Commercial (PAC) District shall have a maximum building footprint of 25,000 sq. ft., except where the Board has granted a special exception permitting a modification to the maximum building footprint in accordance with the provisions of Part 8 of this Chapter. In reviewing an application for such special exception, the Board shall give consideration to the same issues listed for additional building floors under Section (n) above.

2) Front façades of buildings shall be oriented toward existing or proposed streets, with a main entrance in the front façade. Buildings with multiple front façades shall have entrances along each façade.

3) All primary building entrances shall be accentuated with accents such as recessions, protrusions, canopies, porticos or overhangs.

4) Loading doors, service doors, and loading docks shall not be located along any façade facing a street.

5) Blank walls shall not be permitted along any wall facing a street. Walls in these locations shall be provided with a minimum of thirty-five percent (35%) window area, with windows interspersed along the façade.

6) Ground floor facades of retail, restaurant or related uses facing a street shall comprise a minimum of fifty percent (50%) clear window area, with windows providing views of display areas or the inside of the building. Smoked, reflective or black glass in windows is prohibited.

7) Walls or portions of walls where windows are not provided shall have architectural treatments designed to reduce the uniform appearance and to provide visual interest.

8) Rear and side façades shall have colors and materials that are similar to the front façade and shall blend with structures in the development.

9) Building ridgelines or roof planes facing a street, parking area or walking area, shall be interrupted by architectural features at least once every one hundred feet (100'). Buildings shall use parapets or mansard roof styles to conceal flat roofs and roof top equipment.

(s) Parking Design Standards for Mixed-Use Developments

1) Parking within a Mixed-Use Development shall be in accordance with the provisions of Part 7 of this Chapter.

2) Parking lots shall be located to the rear or side of principal buildings, and not between a building and a street.

3) Parking lots visible from a street shall be continuously screened by a three foot (3') high wall, fence or hedge. With the exception of the height requirement, such fence or hedge shall otherwise comply with the provisions of Section 405(I)(3) pertaining to planting screens or fences

within buffer yards. Chain-link fence is prohibited for such use.

4) Each lot created within a Mixed-Use Development shall provide cross-access easements for its parking areas and access drives guaranteeing access to adjacent lots within the development.

(t) Provisions of Penn Avenue Overlay District (PAO).

1) Mixed-use developments located within the PAC District shall be entitled to the supplemental provisions under Section 315 Penn Avenue Overlay District (PAO), including those for parking relief and parking space size.

(u) Pedestrian Design Standards for Mixed-Use Developments

1) Sidewalks with a minimum width of eight feet (8') are required along all street frontages with retail, restaurant and related uses. Sidewalks with a minimum width of six feet (6') are required along all street frontages with other uses. All other sidewalks available for use by the public shall have a minimum width of four feet (4').

2) Sidewalks are required to connect the street frontage to all front building entrances, parking areas, plazas and any other destination that would generate pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and bus stops.

(v) Sidewalk Displays of Retail Merchandise

1) Sidewalk displays of retail merchandise are permit along the fronts of retail stores within a Mixed-Use Development.

2) The display area shall not obstruct the use of any egress door or aisle, access lane or standpipe.

3) Sidewalk displays of retail merchandise are permitted only at times that the retail store is open for business. All retail merchandise and display equipment,

accessories or appurtenances must be removed from the sidewalk at times that the retail store is closed.

4) Within the Penn Avenue Commercial District (PAC), sidewalk displays of retail merchandise may encroach into public street right-of-way and/or public sidewalk area, subject to the following regulations:

i) No encroachment into the public street cartway or driving surface, or layout of merchandise or display equipment which causes pedestrians or customers to walk within the street cartway, shall be permitted.

ii) Display areas shall provide not less than five (5) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. Display areas shall be arranged to permit a smooth alignment of the pedestrian sidewalk across several properties and shall not cause abrupt turns or angles. At street corner intersections, the display area shall comply with all ADA requirements and shall not obstruct the clear sight distance for vehicles nor be located within required clear sight triangles.

iii) Any encroachment of a display area into a public street right-of-way requires Township approval, which shall include an indemnification. Prior to placing any items associated with the use upon any public sidewalk, the Township will inspect the condition of the sidewalk to its conformance to Township specifications.

iv) The licensee of the sidewalk display is responsible for keeping the premises clean at all times, including the public sidewalk and other furnishings of the sidewalk display. At no time may trash or debris of any kind be blown, swept or otherwise deposited onto the street or sidewalk.

(w) Open Space and Plaza Design Standards for Mixed-Use Developments

1) Required open space shall only consist of Plazas, Central Greens, trails, Greenways, Pedestrian Malls, promenades, picnic areas, and other similar types of usable public space.

2) Required open space areas shall be designed as focal points within the development and shall make public access as easy and straightforward as possible.

3) Required open space shall not contain stormwater detention basins, unless such facilities are designed with permanent pools of water and are provided with specific amenities, such as fountains or waterfalls, to enhance the aesthetics of the open space.

4) Plazas shall meet the following requirements:

i) A Mixed-Use Development shall provide one square foot of Plaza area for every forty (40) square feet of gross building floor area; however, developments with less than 25,000 square feet of gross floor area are not required to provide Plaza area.

ii) Individual Plazas shall be no smaller than 2,500 square feet.

iii) Plazas shall be surrounded on all sides by either streets or front façades of buildings.

iv) At least twenty-five percent (25%) of the Plaza area shall be landscaped with trees, shrubs and mixed plantings with year-round interest.

v) Plazas shall be centrally located within the Mixed-Use Development and easily accessible from residential and non-residential buildings.

vi) A Plaza shall not be used for parking, loading or vehicular access.



(x) Lighting Standards for Mixed-Use Developments

1) Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public.

2) Lighting shall comply with the requirements of Section 513 of this Chapter.

3) Lighting for buildings, accessways and parking areas shall be arranged so as not to reflect toward public streets and not to cause any annoyance to building occupants or surrounding property owners or residents.

4) Lighting for pedestrian walkways and trails shall be designed at a pedestrian scale.

(y) Outdoor Dining. Outdoor dining areas shall comply with the requirements of Section 324(B)(87) of this Chapter.

(z) Signs. Signs within a Mixed-Use Development shall comply with the all applicable provisions of Part 6 of this Chapter.

SECTION 5. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 6. If any provision, 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 of Spring that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof had not been included herein.

SECTION 7. The Code of Ordinances of the Township of Spring, as amended, shall be and remain unchanged and in full force and effect, except as amended, supplemented and modified by this Ordinance. This Ordinance shall be come a part of the Code of Ordinances of the Township of Spring, as amended, upon adoption.

SECTION 8. This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 28<sup>th</sup> day of August, 2017.

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

Barry W. Ulrich  
Barry W. Ulrich, Chairperson

James R. Oswald  
James R. Oswald, Vice Chairperson

Robert M. Myer  
Robert M. Myer

Patti J. Smith  
Patti J. Smith

Richard B. Bashore  
Richard B. Bashore

Attest: Sheryl Rowan  
(Assistant) Secretary

## MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (Assistant) Secretary of the TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 431 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on Friday, August 11, 2017 and Friday, August 18, 2017 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on August 28, 2017.

(SEAL)

Sheryl Rowan  
(Assistant) Secretary