

ORDINANCE NO. 428

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 THE ZONING MAP FOR THE TOWNSHIP OF SPRING TO PROVIDE THAT CERTAIN PROPERTY LOCATED AT 3110 VAN REED ROAD (PARCEL ID NO. 80438804904499) AND THE ADJACENT PROPERTY ALONG VAN REED ROAD (PARCEL ID NO. 80438804906116) SHALL BE CHANGED FROM THE RURAL / SUBURBAN (RS) ZONING DISTRICT TO THE PLANNED OFFICE / BUSINESS (PO/B) ZONING DISTRICT AND A PORTION OF THAT CERTAIN PROPERTY LOCATED AT 3103 PAPER MILL ROAD (PARCEL ID NO. 80438804916228) SHALL BE CHANGED FROM THE PLANNED INDUSTRIAL / BUSINESS (PI/B) ZONING DISTRICT TO THE PLANNED OFFICE / BUSINESS (PO/B) ZONING DISTRICT; (2) AMENDING PART 1 ENTITLED "DEFINITIONS", SECTION 201 ENTITLED "DEFINITIONS", TO ADD DEFINITIONS FOR "BREWERY", "DISTILLERY", "MICRO-BREWERY", "MICRO-WINERY, MICRO-DISTILLERY", "MICRO-WINERY, AGRICULTURAL", AND "WINERY" AND TO REVISE THE DEFINITION OF "LIGHT INDUSTRIAL USE" TO INCLUDE BREWERIES, WINERIES AND DISTILLERIES; (3) AMENDING PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS", SECTION 305 ENTITLED "RURAL HOLDING AREA DISTRICT (RHA)" AND SECTION 306 ENTITLED "RURAL CONSERVATION DISTRICT (RC)" TO INCLUDE MICRO-WINERY, AGRICULTURAL AS A USE PERMITTED BY SPECIAL EXCEPTION; (4) AMENDING PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS", SECTION 313 ENTITLED "PENN AVENUE MIXED USE DISTRICT (PMU)", SECTION 314 ENTITLED "PENN AVENUE COMMERCIAL DISTRICT (PAC)" AND SECTION 319 ENTITLED "PLANNED BUSINESS AND RESIDENTIAL DISTRICT (PBR)" TO ADD MICRO-BREWERY, MICRO-WINERY AND MICRO-DISTILLERY AS USES PERMITTED BY SPECIAL EXCEPTION; (5) AMENDING PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS", SECTION 316 ENTITLED "PLANNED HIGHWAY INTERCHANGE DISTRICT (PHI)", TO CHANGE TAVERN TO A USE PERMITTED BY SPECIAL EXCEPTION INSTEAD OF A USE PERMITTED BY RIGHT

AND TO ADD MICRO-BREWERY, MICRO-WINERY, AND MICRO-DISTILLERY AS USES PERMITTED BY SPECIAL EXCEPTION (WITHIN A PLANNED BUSINESS DEVELOPMENT); (6) AMENDING PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS", SECTION 318 ENTITLED "PLANNED OFFICE /BUSINESS DISTRICT (POB)", TO ADD BAKERY, MICRO-BREWERY, MICRO-WINERY, AND MICRO-DISTILLERY AS USES PERMITTED BY SPECIAL EXCEPTION AND TO CHANGE TAVERN FROM A USE PERMITTED BY CONDITIONAL USE TO A USE PERMITTED BY SPECIAL EXCEPTION; (7) AMENDING PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS", SECTION 324 ENTITLED "COMPLIANCE AND PERFORMANCE STANDARDS FOR CERTAIN PRINCIPAL USES", SUBSECTION (B) ENTITLED "ADDITIONAL REQUIREMENTS", TO: (A) ADD A NEW SUBSECTION ENTITLED "BREWERY, DISTILLERY OR WINERY" TO ESTABLISH REGULATIONS REGARDING BREWERIES, DISTILLERIES AND WINERIES, (B) ADD A NEW SUBSECTION ENTITLED "MICRO-WINERY, AGRICULTURAL" TO ESTABLISH REGULATIONS REGARDING FACILITIES WHICH MANUFACTURE WINE FOR ON-SITE CONSUMPTION BY PATRONS OR FOR RETAIL SALE FOR CONSUMPTION OFF SITE, (C) AMEND SUBSECTION ENTITLED "RESTAURANTS, STANDARD" TO RENUMBER ACCORDINGLY AND TO INCLUDE MICRO-BREWERY, MICRO-WINERY AND MICRO-DISTILLERY, AND (D) AMEND SUBSECTION ENTITLED "TAVERN OR NIGHTCLUB" TO RENUMBER ACCORDINGLY AND TO INCLUDE MICRO-BREWERY, MICRO-WINERY AND MICRO-DISTILLERY.

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. The Zoning Map for the Township of Spring is hereby amended so as to provide that a certain property located at 3110 Van Reed Road (Parcel ID No. 80438804904499) and the adjacent property along Van Reed Road (Parcel ID No. 80438804906116) shall be changed from the Rural / Suburban (RS) Zoning District to the Planned Office / Business (PO/B) Zoning District and a portion of that certain property located at 3103 Paper Mill Road (Parcel ID No. 80438804916228) shall be changed from the Planned Industrial / Business (PI/B) Zoning District to the Planned Office /

Business (PO/B) Zoning District (the "Subject Properties"). The Subject Properties to be re-designated as being within the Planned Office / Business (PO/B) Zoning District are depicted on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Section 201 entitled "Definitions", of Part 1 entitled "Definitions", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is amended to add definitions for "Brewery", "Distillery", "Micro-Brewery, Micro-Winery or Micro-Distillery", "Micro-Winery, Agricultural", and "Winery", and to revise the definition for "Light Industrial Use" to include breweries, wineries and distilleries, as follows:

BREWERY - a facility that manufactures fermented malt beverages for wholesale with limited sales to the general public.

DISTILLERY - a facility for the manufacture of distilled alcoholic beverages for wholesale with limited sales to the general public.

LIGHT INDUSTRIAL USE - a principal use that involves:

(9) Processing, packaging, bottling, storage and/or wholesaling of food products including breweries, wineries and distilleries, but excluding:

- (a) Pickling processes;
- (b) Rendering or slaughtering operations; and
- (c) Sugar refineries.

MICRO-BREWERY, MICRO-WINERY or MICRO-DISTILLERY - a restaurant or tavern that includes facilities for the manufacture of fermented malt beverages, wine or distilled alcoholic beverages for on-site consumption by patrons or for retail sale for consumption off-site.

MICRO-WINERY, AGRICULTURAL - facilities for the manufacture of wine for on-site consumption by patrons or for retail sale for consumption off-site, and located on the same property where the fruit used in the wine making activities is grown.

WINERY - an agricultural processing facility used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar alcoholic beverages, which may include limited retail sales of such products.

SECTION 3. Subsection (C) entitled "Special Exception Uses", of Section 305 entitled "Rural Holding Area District (RHA)" 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 Micro-Winery, Agricultural as a use permitted by special exception, as follows:

Section 305. Rural Holding Area District (RHA).

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Holding Area District by the Board in accordance with the standards contained in §325 of this Chapter:

- (1) Agriculture, intensive\*.
- (2) Bed and breakfast\*.
- (3) Boarding House \*.
- (4) Camp or campground\*.
- (5) Communications towers and communications equipment buildings\*.
- (6) Cemetery or Mausoleum\*.
- (7) Cultural center.
- (8) Gun club/target range\*.
- (9) Heliport \*.
- (10) Indoor sports facility\*.
- (11) Kennel\*.
- (12) Micro-winery, agricultural\*.
- (13) Nursery school or day care center\*.
- (14) Open air retail sales of agricultural products\*.
- (15) Place of Worship.
- (16) Private airstrip and airport\*.
- (17) Public utility facility\*.
- (18) Recreation, non-municipal indoor\*.
- (19) School, public/private not including vocational school \*.
- (20) Solid waste disposal area or facility\*.

\*See §324 for additional requirements

SECTION 4. Subsection (C) entitled "Special Exception Uses", of Section 306 entitled "Rural Conservation District (RC)" 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 Micro-Winery, Agricultural as a use permitted by special exception, as follows:

Section 306. Rural Conservation District (RC).

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Conservation District by the Board in accordance with the standards contained in §325 of this Chapter:

- (1) Agriculture, intensive\*.
- (2) Bed and breakfast\*.
- (3) Camp or campground\*.
- (4) Cemetery or mausoleum\*.
- (5) College or university\*.
- (6) Communications towers and communications equipment buildings\*.
- (7) Convalescent or nursing home\*.
- (8) Cultural center.
- (9) Indoor sports facility\*.
- (10) Micro-winery, agricultural\*.
- (11) Nursery school or day care center\*.
- (12) Open air retail sales of agricultural products\*.
- (13) Place of worship.
- (14) Public utility facility\*.
- (15) Recreation, non-municipal indoor\*.
- (16) School, public/private not including vocational school\*.

\*See §324 for additional requirements.

SECTION 5. Subsection (C) entitled "Special Exception Uses", of Section 313 entitled "Penn Avenue Mixed Use District (PMU)" 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 Micro-Brewery, Micro-Winery and Micro-Distillery as uses permitted by special exception, as follows:

Section 313. Penn Avenue Mixed Use District (PMU)

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Penn Avenue Mixed Use District by

the Board as a special exception in accordance with the standards contained in Section 325 of this Part.

- (1) Amusement Establishment\*.
- (2) Bed and breakfast\*.
- (3) Body art establishments\*.
- (4) Combination of uses, where one or more of the uses are permitted by special exception\*.
- (5) Fire station\*.
- (6) Micro-brewery, micro-winery or micro-distillery\*.
- (7) Multiple use building, where one or more of the uses are permitted by special exception\*.
- (8) Off-track betting parlor\*.
- (9) Place of worship.
- (10) Public utility facility\*.
- (11) Single-family detached dwelling in combination with a commercial activity\*.
- (12) Tavern\*.
- (13) Vocational school\*.

\* See Section 324 for additional requirements.

SECTION 6. Subsection (C) entitled "Special Exception Uses", of 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 Micro-Brewery, Micro-Winery and Micro-Distillery as uses permitted by special exception, as follows:

Section 314. Penn Avenue Commercial District (PAC)

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Penn Avenue Commercial District by the Board as a special exception in accordance with the standards contained in Section 325 of this Part.

- (1) Amusement Establishment\*.
- (2) Auditorium\*.
- (3) Automobile repair\*.
- (4) Automobile sales\*.
- (5) Automobile service station\*.
- (6) Body art establishments\*.
- (7) Carwash\*.
- (8) Combination of uses, where one or more of the uses are permitted by special exception\*.

- (10) Lumber yard\*.
- (11) Micro-brewery, micro-winery or micro-distillery\*.
- (12) Multiple use building, where one or more of the uses are permitted by special exception\*.
- (13) Off-track betting parlor\*,\*\*.
- (14) Place of worship.
- (15) Public utility facility\*.
- (16) Tavern or nightclub\*.
- (17) Taxi, limousine or bus terminal\*.

\* See Section 324 for additional requirements.

SECTION 7. Subsection (C) entitled 'Uses Permitted by Right (Within a Planned Business Development)', and Subsection (D) entitled "Special Exception Uses", of Section 316 entitled "Planned Highway Interchange District (PHI)" 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 change Tavern to a use permitted by special exception instead of a use permitted by right and to add Micro-Brewery, Micro-Winery and Micro-Distillery as uses permitted by special exception, as follows:

Section 315. Planned Highway Interchange District (PHI).

(C) Uses Permitted by Right (Within a Planned Business Development). Each of the following principal uses and their accessory uses are permitted by right by the Zoning Officer within a Planned Business Development, for which Conditional Use approval has been obtained in the Planned Highway Interchange District, provided that the use, type, dimensional, and all other applicable requirements of this Chapter are satisfied. See definition of Planned Business Development in Part 2:

- (1) Ambulatory surgical center\*,\*\*.
- (2) Animal hospital\*,\*\*.
- (3) Automobile sales\*,\*\*.
- (4) Combination of uses permitted by right\*,\*\*.
- (5) Convenience store\*,\*\*.
- (6) Financial establishment\*,\*\*.
- (7) Hospital or medical center\*,\*\*.
- (8) Hotel/motel\*,\*\*.
- (9) Medical clinic or medical office\*,\*\*.
- (10) Multiple use building, where one or more of the uses are permitted by special exception\*,\*\*.

- (11) Nursery school or day care center\*,\*\*.
- (12) Off-track betting parlor\*,\*\*.
- (13) Restaurant, fast food\*,\*\*.
- (14) Restaurant, fast food with drive-through service\*,\*\*.
- (15) Restaurant, standard\*,\*\*.
- (16) Retail store\*,\*\*.
- (17) Shopping center\*,\*\*.
- (18) Taxi, limousine or bus terminal\*,\*\*.

\* Site Plan Review required (see Section 409)

\*\* See Section 324 for additional requirements.

(D) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Highway Interchange District by the Board as a special exception in accordance with the standards contained in Section 325 of this Chapter.

- (1) Amusement establishment\*.
- (2) Auditorium\*.
- (3) Combination of uses, where one or more of the uses are permitted by special exception\*.
- (4) Communications towers and communications equipment buildings\*.
- (5) Conference center\*.
- (6) Cultural center
- (7) Drive-in theater\*.
- (8) Lumber yard\*.
- (9) Micro-brewery, micro-winery or micro-distillery\*.
- (10) Public utility facility\*.
- (11) Tavern\*.

\* See §324 for additional requirements.

SECTION 8. Subsection (C) entitled "Special Exception Uses", and Subsection (D) entitled "Conditional Uses", of 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 Bakery and Micro-Brewery, Micro-Winery or Micro-Distillery as uses permitted by special exception and to change Tavern from a use permitted by conditional use to a use permitted by special exception, as follows:

Section 318. Planned Office/Business District (POB).

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Office/Business Commercial District by the Board in accordance with the standards contained in §325 of this Chapter:

- (1) Ambulatory surgical center\*.
- (2) Amusement establishment\*.
- (3) Animal hospital\*.
- (4) Auditorium\*.
- (5) Bakery.
- (6) Cemetery/mausoleum\*.
- (7) Colleges or universities, including dormitories as a clearly accessory use, restricted to students of such college or institution\*.
- (8) Combination of uses, where one or more of the uses are permitted by special exception\*.
- (9) Communications towers and communications equipment buildings\*.
- (10) Heliport\*.
- (11) Micro-brewery, micro-winery or micro-distillery\*.
- (12) Multiple use building, where one or more of the uses are permitted by special exception\*.
- (13) Off-track betting parlor\*.
- (14) Personal service establishment\*.
- (15) Place of worship.
- (16) Public utility facility\*.
- (17) School, public/private\*.
- (18) Swimming club (outdoor)\*.
- (19) Tavern\*.
- (20) Tennis club (outdoor)\*.
- (21) Vocational school\*.

\*See §324 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Office/Business Commercial District when authorized by the Board of Supervisors in accordance with the standards contained in §326 of this Chapter:

- (1) Hospital or medical center\*.
- (2) Hotel, motel including restaurants\*.

- (3) Off-street parking not located on the same lot as the permitted principal use\*.
- (4) Nightclub\*.
- (5) Retail store, having a total floor area in excess of 50,000 square feet\*.
- (6) Shopping center, including restaurants and health clubs\*.
- (7) Single-family detached dwellings\*.
- (8) Vehicle wash preventive maintenance center\*.

\* See §324 for additional requirements.

SECTION 9. Subsection (C) entitled "Special Exception Uses", of Section 319 entitled "Planned Business and Residential District (PBR)" 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 Micro-Brewery, Micro-Winery and Micro-Distillery as uses permitted by special exception, as follows:

Section 319. Planned Business and Residential District (PBR).

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Business and Residential Commercial District by the Board in accordance with the standards contained in §325 of this Chapter:

- (19) Automobile repair\*.
- (20) Automobile service station\*.
- (21) Bed and breakfast\*.
- (22) Boarding house\*.
- (23) Carwash\*.
- (24) Cemetery\*.
- (25) Combination of uses, where one or more of the uses are permitted by special exception\*.
- (26) Fuel oil company\*.
- (27) Lumber yard\*.
- (28) Micro-brewery, micro-winery or micro-distillery\*.
- (29) Multiple use building, where one or more of the uses are permitted by special exception\*.
- (30) Place of worship.
- (31) Public utility facility\*.

(32) Single-family detached dwelling in combination with a commercial activity\*.

(33) Tavern\*.

\* See §324 for additional requirements.

SECTION 10. Subsection B entitled "Additional Requirements", of 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 new Subsections (21) entitled "Brewery, Distillery or Winery", (61) entitled "Micro-Brewery, Micro-Winery" or Micro-Distillery", and (62) entitled "Micro-Winery, Agricultural", and thereafter, to renumber the remaining Subsections to accordingly, as follows:

(21) Brewery, Distillery or Winery.

(a) Centralized sewage disposal facilities and centralized water supply facilities shall be required.

(b) The use shall comply with any applicable County, State and Federal licensing and operational requirements.

(c) The use shall comply with the requirements for Light Industrial Use listed in this Section.

(d) The use may include a tasting room where guests/customers may sample and purchase the product manufactured on-site.

(e) A winery may include the growing and harvesting of grapes or other crops suitable for wine processing.

(61) Micro-brewery, micro-winery or micro-distillery

(a) Although the use is classified as a type of restaurant or tavern, it shall be permitted in only those districts where the specific use of micro-brewery, micro-winery or micro-distillery is listed among those permitted by special exception.

(b) Where the total sale of food exceeds the total sale of alcoholic beverages, the use shall comply with the requirements listed for restaurants in this Section.

(c) Where the total sale of alcoholic beverages exceeds the total sale of food, the use shall comply with the requirements listed for taverns in this Section.

(d) No more than 30% of the total floor area of the restaurant or tavern shall be utilized for the manufacture and storage of alcoholic beverages.

(e) The use shall include no drive-through facilities.

(f) No wholesale sales of alcoholic beverages is permitted.

(g) The use shall have an off-street loading dock in accordance with the requirements of Part 7 of this Chapter. Required off-street parking shall take into account any outdoor service area.

(h) All alcoholic beverage production and storage activities shall be located within a completely enclosed building. All exterior doors leading to the production or storage area shall remain closed during business hours.

(i) Beverages manufactured onsite cannot be sold or otherwise provided for consumption on the premises, or to customers for consumption off the premises, unless the owner complies with all applicable licensing and operational requirements of the State.

(j) Shall comply with the Nuisance provisions of §502, the Noise Control provisions of §511 and the provisions of §512, including odor control.

(k) The use shall not exceed the following yearly production limits, unless during the special exception approval process the applicant provides compelling information to the Zoning Hearing Board which would warrant approval of a greater limit:

Yearly Production Limits		
Micro-brewery	Fermented malt beverages	1,000 barrels*
Micro-distillery	Distilled alcoholic beverages	5,000 gallons
Micro-winery	Wine or similar spirits	10,000 cases**

\* One (1) barrel equals thirty-one (31) gallons.

\*\* One (1) case includes twelve (12) 750 ml bottles.

(l) The use may include outdoor seating areas, subject to the provisions listed for outdoor dining areas under the standard restaurant regulations. Such outdoor seating areas shall not encroach into public street rights-of-way and/or public sidewalk areas.

(m) Shall comply with all applicable local, state and federal requirements. Where such requirements conflict, the more restrictive requirement shall be met.

(n) The proposed use shall not adversely affect the adjoining properties.

(o) Unless located within the Penn Avenue Overlay District, buildings shall be located a minimum of one hundred fifty (150) feet from any exterior lot line bordering an existing residential use. Within the Penn Avenue Overlay District such minimum distance shall be seventy-five (75) feet.

(62) Micro-winery, agricultural

(a) The use is not required to include a restaurant or a tavern.

(b) The use shall include no drive-through facilities.

(c) No wholesale sales of alcoholic beverages is permitted.

(d) All alcoholic beverage production and storage activities shall be located within a completely enclosed building. All exterior doors leading to the production or storage area shall remain closed during business hours.

(e) Beverages manufactured onsite cannot be sold or otherwise provided for consumption on the premises, or to customers for consumption off the premises, unless the owner complies with all applicable licensing and operational requirements of the State.

(f) Shall comply with the Nuisance provisions of §502, the Noise Control provisions of §511 and the provisions of §512, including odor control.

(g) The use shall not exceed a yearly production limit of 10,000 cases.

(h) The use may include outdoor seating areas, subject to the provisions listed for outdoor seating areas under the standard restaurant regulations. Such outdoor seating areas shall not encroach into public street rights-of-way and/or public sidewalk areas.

(i) Shall comply with all applicable local, state and federal requirements. Where such requirements conflict, the more restrictive requirement shall be met.

(j) The proposed use shall not adversely affect the adjoining properties.

(k) Buildings shall be located a minimum of one hundred fifty (150) feet from any exterior lot line bordering an existing residential use.

SECTION 11. Subsection entitled "Restaurants, Standard", of Subsection B entitled "Additional Requirements", of 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 include Micro-Brewery, Micro-Winery and Micro-Distillery, as follows:

(87) Restaurants, Standard.

(a) Shall not include any drive-through facilities.

(b) Shall comply with all applicable local, state and federal requirements. Where such requirements conflict, the more restrictive requirement shall be met.

(c) Off-street parking shall be provided in accordance with the provisions of Part 7. Required off-street parking shall take into account any outdoor dining area.

(d) May include the sale of alcoholic beverages; however, the total sale of food shall exceed the total sale of alcoholic beverages.

(e) A standard restaurant shall be considered a Micro-Brewery, Micro-Winery or Micro-Distillery if it conforms to the definition of that use and special exception approval has been granted for such use. In such case, the use shall also comply with all additional requirements listed for such use within this Chapter.

(f) Unless located within the Penn Avenue Overlay District, any waste dumpster shall be screened from view of adjacent streets, dwellings and residential districts and shall be located a minimum of one hundred fifty (150) feet from the boundary of any residential lot and from any residential district and one hundred (100) feet from the boundary of any nonresidential lot.

(g) Within the Penn Avenue Overlay District, wherever the above dumpster setbacks cannot be met due to lot size or configuration, the Zoning Officer may accept a lesser setback. In such cases the applicant shall be required to demonstrate that the proposed location is the optimal location on the site, and is properly screened from adjoining properties.

(h) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

(i) Shall provide a visual planting screen, in accordance with §405(I) when adjacent to residential properties.

(j) May include outdoor dining areas subject to the following regulations:

(1) No outdoor food storage, busing station, open outdoor trash receptacle or permanent outdoor food preparation shall be permitted.

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

(3) Outdoor dining is permitted between the hours of 7:00 a.m. and 11:00 p.m. only.

(4) Sound amplification systems are prohibited.

(5) Alcoholic beverage service, properly licensed by the Commonwealth of Pennsylvania, is permitted only in conjunction with the service of food.

(6) No service of food or beverages is permitted to unseated patrons.

(7) Where deemed necessary by the Township, safety barriers, approved by the Township Codes/Zoning Department and the Township Fire Marshal, shall be placed around the perimeter of the outdoor dining area.

(k) Within the Penn Avenue Overlay District, outdoor dining areas may encroach into public street right-of-way and/or public sidewalk area, subject to the following regulations:

(1) Outdoor dining areas shall provide not less than five contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. Dining 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 outdoor dining area shall comply with all ADA requirements and shall not obstruct the clear sight distance for vehicles.

(2) Any encroachment of an outdoor dining area into a public street right-of-way requires a permit from the Township, which shall include an indemnification. Where the public street is a state road, approval from the Pennsylvania Department of Transportation is required. Prior to placing any furnishings, enclosures or other items associated with the use upon any public sidewalk, the Township will inspect the condition of the sidewalk to its conformance to Township specifications.

(3) All furnishings, planters, railings or enclosures associated with outdoor dining must be approved by Township Codes Department and must be properly weighted to prevent movement.

(4) Furniture, planters, railings and fences must be removed from the right-of-way and stored indoors when outdoor dining is not in seasonal operation.

(5) No carpet, rug, artificial turf, platforms or other change in elevation from the surface of the sidewalk, of any kind, shall be permitted.

(6) The operator of an outdoor dining area and his or her employees shall not be permitted to remove, destroy, deface or otherwise alter any sign, notice, curb, storm inlet, or other public device or improvement.

(7) Except emergency repairs or other emergency activities, the operator of such outdoor dining area shall be required to cease the operation when notified by the Township.

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

SECTION 12. Subsection entitled "Tavern or Nightclub", of Subsection B entitled "Additional Requirements", of 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, as follows:

(102) Tavern or Nightclub

(a) Shall comply with all applicable local, state or federal requirements, particularly State fire safety regulations. Where such requirements conflict, the more restrictive requirement shall be met.

(b) A tavern shall be considered a Micro-Brewery, Micro-Winery or Micro-Distillery if it conforms to the definition of that use and special exception use approval has been granted for such use. In such case, the use shall also comply with all additional requirements listed for such use within this Chapter.

(c) Unless located within the Penn Avenue Overlay District, any waste dumpster shall be screened from view of adjacent streets, dwellings and residential districts and shall be located a minimum of one hundred fifty (150) feet from the boundary of any residential lot and from any residential district and one hundred (100) feet from the boundary of any nonresidential lot.

(d) Within the Penn Avenue Overlay District, wherever the above dumpster setbacks cannot be met due to lot size or configuration, the Zoning Officer may accept a lesser setback. In such cases the applicant shall be required to demonstrate that the proposed location is the optimal location on the site, and is properly screened from adjoining properties.

(e) Shall provide landscaping and an all-season groundcover on all areas not covered by buildings, structures, parking areas or access drives.

(f) Shall provide a visual planting screen, in accordance with §405(I) when adjacent to residential properties.

(g) The proposed used shall not adversely affect the adjoining properties.

(h) Unless located within the Penn Avenue Overlay District, buildings shall be located a minimum of one hundred (100) feet from any exterior lot line bordering an existing nonresidential use or from any existing street right-of-way. Within the Penn Avenue Overlay District such minimum distance shall be fifty (50) feet.

(i) Unless located within the Penn Avenue Overlay District, buildings shall be located a minimum of one hundred fifty (150) feet from any exterior lot line bordering an existing residential use. Within the Penn Avenue Overlay District such minimum distance shall be seventy-five (75) feet.

(j) Shall comply with the parking provisions of Part 7. Required off-street parking shall take into account any outdoor service area.

(k) Shall comply with the Noise Control provisions of §511 and the Nuisance provision of §502.

(l) Taverns may include outdoor seating areas, subject to the provisions listed for outdoor dining areas under the standard restaurant regulations. Such outdoor seating areas shall not encroach into public street rights-of-way and/or public sidewalk areas.

SECTION 13. 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 14. 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 15. 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 16. This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 26<sup>th</sup> day of June, 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

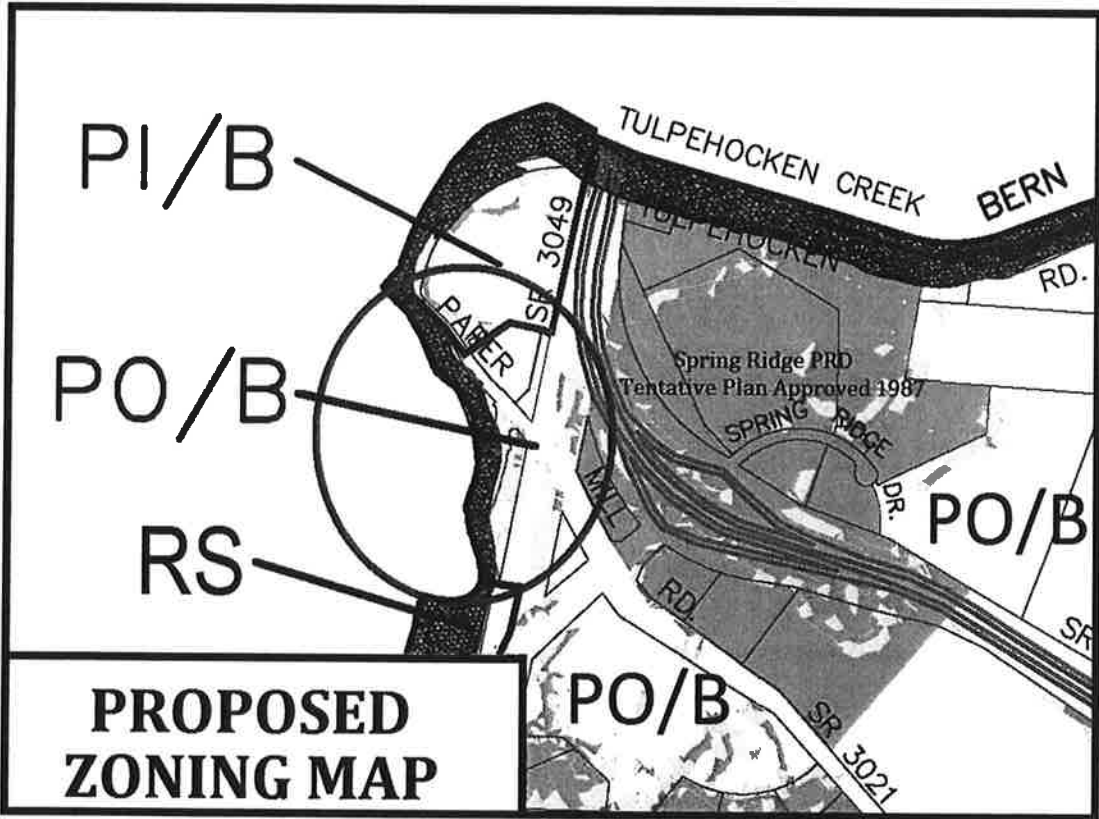
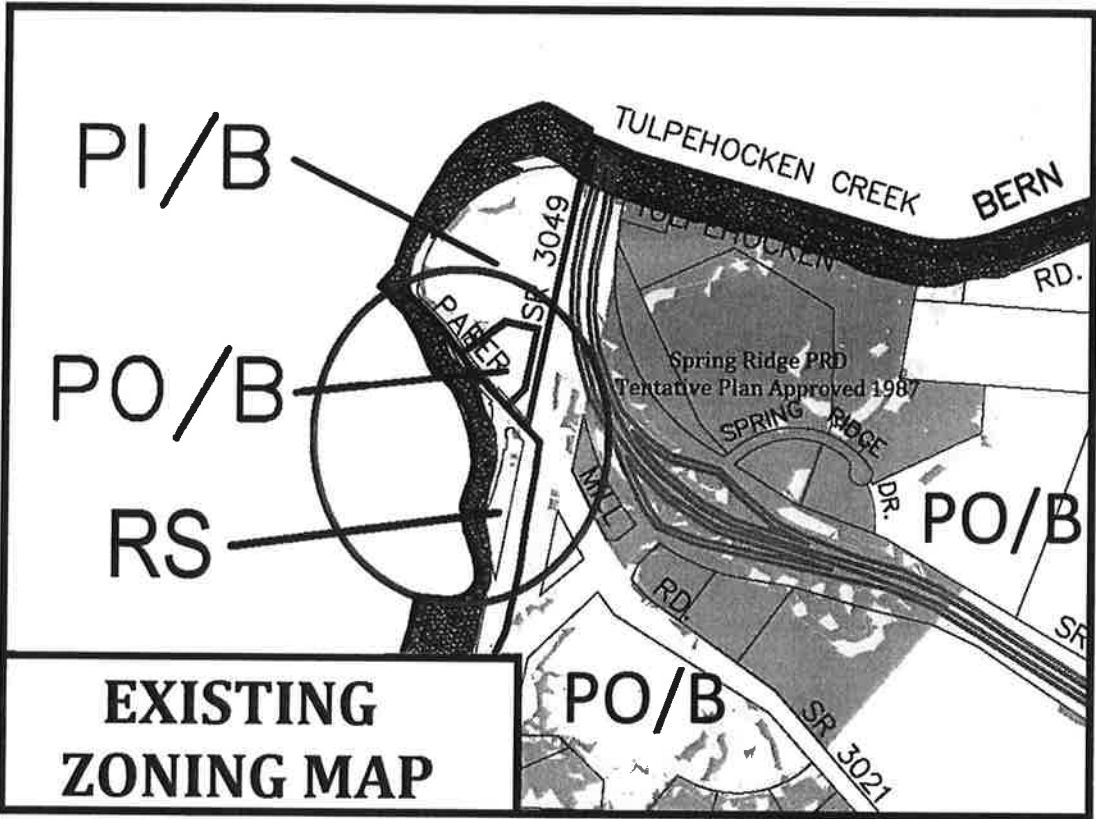
Alan S. Kreider  
Alan S. Kreider

Robert M. Myer

Patti J. Smith  
Patti J. Smith

Attest: Hege Rowan  
(Assistant) Secretary

EXHIBIT A



MUNICIPAL CERTIFICATION

I, Sheryl Rowan (Assistant) Secretary of the TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 428 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on June 9, 2017 and June 16, 2017 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on June 26, 2017.

(SEAL)

Sheryl Rowan  
(Assistant) Secretary