

ORDINANCE NO. 313

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA AMENDING THE CAERNARVON TOWNSHIP ZONING ORDINANCE, BY CREATING THE INDUSTRIAL OFFICE PARK MIXED USE HOUSING RESIDENTIAL HOUSING OVERLAY DISTRICT WHICH WILL PERMIT A MIX OF COMMERCIAL AND RESIDENTIAL USES IN THE INDUSTRIAL OFFICE PARK ZONING DISTRICT IN LIMITED CONDITIONS.

WHEREAS, the Board of Supervisors of the Township of Caernarvon desire to amend the Caernarvon Township Zoning Ordinance; and

WHEREAS, such zoning amendments are authorized by Section 609 of the Municipalities Planning Code (An Act of July 31, 1968, P.L. 805), as amended.

WHEREAS, the existing Industrial Office Park (IOP) Zoning District permits certain commercial (e.g., retail, banking, fuel, personal services), manufacturing and office-related uses;

WHEREAS, the Board of Supervisors has considered a zoning text amendment proposed by Berks Homes to permit a mixed use residential and commercial overlay district within the IOP Zoning District;

WHEREAS, the Board of Supervisors recognizes that Berks County has had relatively low residential housing growth relative to neighboring counties, which reflects a dearth of affordable housing available to County residents, as more fully set forth in a study prepared for the County by Fourth Economy;

WHEREAS, the Board of Supervisors has been presented with a market study prepared by W. Bradford Clason that demonstrates an overabundance of commercial and industrial space within the IOP Zoning District that is available or vacant within the Township and surrounding areas;

WHEREAS, the Board of Supervisors acknowledges that due to the COVID-19 pandemic, the demand for commercial retail and office space has declined due to the change to remote work and the change in shopping habits to online delivery, which the Board concludes will further exacerbate the overabundance of commercial retail and industrial office space available in the Township and surrounding areas and, more specifically, in the Township's IOP Zoning District;

WHEREAS, the Board of Supervisors acknowledges that the Southern Berks Joint Comprehensive Plan 2020 Update and the Berks County Comprehensive Plan 2030 Update designates the IOP Zoning District as being for commercial uses and an economic development area, in light of the overabundance of commercial retail and industrial office space and the dearth of affordable residential housing, the Board of Supervisors concludes that it is appropriate to amend the Zoning Ordinance to permit limited residential use when mixed with commercial/retail

in the IOP Zoning District to complement the existing commercial retail and industrial office uses and will be consistent as a transition from an adjoining high density residential development (known as Highcroft);

WHEREAS, the Board of Supervisors concludes that providing additional mixed commercial and residential uses in the IOP Zoning District will not alter or adversely impact the character of the existing neighborhood or community; and

WHEREAS, the Board of Supervisors concludes that the limited mixed residential and commercial permitted by this Ordinance is consistent with the Community Development Objectives set forth in Section 101 of the Caernarvon Township Zoning Ordinance of 2007.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Caernarvon, and it is hereby ENACTED and ORDAINED by the authority of the same:

SECTION 1. Section 628.12 of the Caernarvon Township Zoning Ordinance is hereby repealed and reenacted to read as follows:

12. Eligibility
Planned Residential Developments are permitted in the following zoning districts:
 - a. R-5 Zoning District;
 - b. R-4 Zoning District;
 - c. R-1 Zoning District whenever the tract within the R-1 Zoning District abuts a R-5, R-4 and/or an I-1 Zoning District and has a minimum of one thousand (1,000) feet abutting such districts; and
 - d. The IOP Mixed Use Housing Residential Zoning District pursuant to Section 598.A through Section 598.O of the Zoning Ordinance.

SECTION 2. Section 628.14 of the Caernarvon Township Zoning Ordinance is hereby amended to establish new subsection (c):

- c. In the IOP Mixed Use Housing Residential Overlay District, the following uses shall be permitted:
 1. Single-Family Detached Dwellings; and
 2. Townhouses.

SECTION 3. The Caernarvon Township Zoning Ordinance is hereby amended to create the following sections.

Section 598 - Industrial Office Park Mixed Use Residential Housing Overlay District

Section 598.A - Specific Intent

It is the purpose of this Overlay District to permit Planned Residential Developments, when proposed as a mixed use with a non-residential use in accordance with Section 598.D, in the Industrial Office Park Zoning District for large parcels of land that are better suited for a mixed use that includes residential use rather than solely for office or manufacturing uses pursuant to the process set forth in Section 628 of the Zoning Ordinance.

Section 598.B - Applicability

The Industrial Office Park Mixed Use Residential Housing Overlay District applies to all properties located in the Industrial Office Park Zoning District that consist of twenty-five (25) acres or more of contiguous land in the whole or aggregate.

Section 598.C - Applicable Standards

The uses permitted within the Industrial Office Park Mixed Use Residential Housing Overlay District are those permitted by the underlying IOP Zoning District, subject to any standards imposed by such underlying district and those permitted in this Section 597. Standards for lot area, yards, height, lot dimensions, coverage, special design requirements, and performance standards imposed by the underlying district shall be applicable unless a different standard is established by the Industrial Office Park Mixed Use Residential Housing Overlay District. In such a case, the standards set forth in this Industrial Office Park Mixed Use Residential Housing Overlay District shall apply.

Section 598.D - Permitted Uses

A Planned Residential Development pursuant to Section 628 is permitted by right, conditioned on the establishment of a mixed use whereby a minimum of ten percent (10%) of the gross tract area will contain a use permitted by right within the underlying IOP Zoning District as more fully set forth in Section 579.B.

Section 598.E - Permitted Accessory Uses

Permitted Accessory Uses in the Industrial Office Park Mixed Use Residential Housing Overlay District, located on the Same Lot with the Permitted Principal Use are as follows:

1. Private garages or private parking areas;
2. Off-street parking facilities;
3. Temporary sales office and sample homes;
4. Recreational facilities, including but not limited to lakes, ponds, picnic areas, swimming pools, tot-lots, playgrounds, boat docks, nature trails, and other passive recreational facilities; and

5. Customary accessory uses, buildings, or structures, provided such are clearly incidental to the principal use.

Section 598.F - Uses Permitted by Special Exception

Uses Permitted by Special Exception in the Industrial Office Park Mixed Use Residential Housing Overlay District are as follows:

1. Agricultural uses, except for animal husbandry and animal grazing; and
2. Accessory uses not located on the same lot with the permitted principal use.

Section 598.G - Site Requirements

1. The area to be developed shall contain a minimum of twenty-five (25) contiguous acres in the Industrial Office Park Zoning District. The area minimum shall not include any portion of the tract located within any existing right-of-way, wetlands, flood plains or slopes in excess of twenty-five (25%). The Tract shall be considered contiguous even though it may be divided by a street right-of-way provided, however, that the street right-of-way does not exceed sixty (60) feet in width.

2. The Development shall be served by public water and public sewage disposal systems or by a community water supply and sewage disposal system approved by appropriate local and state agencies.

3. A minimum of 30% of the gross area of the Development shall be in Common Open Space, with the following restrictions:

(a) No less than 25% nor more than 35% of the minimum required Common Open Space shall be improved for active recreational facilities, including, but not limited to such facilities as: lakes, playgrounds, swimming pools, tennis courts, baseball or other playing fields, recreation or community centers, or basketball courts.

(b) No road, emergency access roads, driveways, or utility rights-of-way or easements shall be within the acreage designated for the minimum Common Open Space as required above.

(c) No more than 25% of the Common Open Space shall be comprised of stormwater management retention or detention basins.

(d) At least 80% of the Common Open Space shall be located within one-half (1/2) mile from all dwelling units.

Section 598.H - Maximum Density

Maximum density shall be computed by dividing the gross tract area by the number of proposed dwelling units. For purposes of this Section, the “gross tract area” shall exclude existing rights-of-way, flood plains, wetlands and slopes in excess of twenty-five percent (25 %), as well as the area of the tract required to be devoted to a non-residential use by Section 597.D.

The maximum density permitted shall be as follows:

1. Six (6) dwelling units per acre.
2. Of the total number of units planned, the proportion of each building type shall be limited to the following
 3. Single Family Detached – 40% minimum
 4. Single Family Semi-Detached - 25% maximum
 5. Two-Family Detached – 10% maximum
 6. Two-Family Semi-Detached - 10% maximum
 7. Townhouses - 50% maximum

Section 598.I - Minimum Lot Size per Dwelling Unit

1. The minimum lot size per dwelling unit shall be as set forth in Section 628.18. of this Zoning Ordinance.

Section 598.J - Minimum Yard Dimensions

1. The minimum yard dimensions shall be as set forth in Section 628.19. of this Zoning Ordinance.

Section 598.K - Maximum Building Coverage and Height

1. The maximum building coverage and height for dwelling units shall be as set forth in Section 628.20. of this Zoning Ordinance.

Section 598.L - Design Standards

1. General
 - (a) All design standards and requirements contained in the Township’s Subdivision and Land Development Ordinance and elsewhere in the Zoning Ordinance shall apply, except as may be modified by this Section.

(b) The minimum distance between any principal building and any accessory building or structure shall be ten (10) feet and no accessory building or structure shall be located less than ten (10) feet from any service street.

(c) A comprehensive community landscape design plan shall be submitted by the Developer of a Planned Residential Development in the Industrial Office Park Mixed Use Residential Housing Overlay District for review and approval by the Board of Supervisors. The community landscape design plan shall be consistent with Section 597.N, below. The community landscape design plan shall also be consistent with Section 609 of the Zoning Ordinance and applicable provisions of the Subdivision and Land Development Ordinance of the Township, to the extent the provisions of Section 609 and the provisions of the Subdivision and Land Development Ordinance do not conflict with the provisions of Section 597.N.

(d) Streets shall be designed with a minimum thirty-three (33) foot right-of-way and a minimum twenty-eight (28) foot cartway; except any streets intended to be offered for dedication to the public shall have a minimum thirty five (35) foot right-of-way and a minimum thirty (30) foot cartway. Sidewalks shall be provided in accordance with Section 502.15 of the Subdivision and Land Development Ordinance. Where streets have the minimum cartway width of 28 feet, on-street parking shall be restricted to one side of the street. If a sidewalk is permitted on just one side of the street, street parking will only be permitted on that side.

(e) Service Streets shall have a minimum right-of-way of twenty-four (24) feet and a minimum cartway of eighteen (18) feet. Service streets shall be limited to one-way traffic. Parking shall be prohibited on all Service Streets.

(f) All streets located within the interior of a Planned Residential Development in the Industrial Office Park Mixed Use Residential Housing Overlay District shall be private streets owned and maintained by the Homeowners Association. Any street within the Planned Residential Development in the Industrial Office Park Mixed Use Residential Housing Overlay District which affords the principal means of access to an abutting property shall not be considered an interior street.

(g) No parking shall be permitted on any street within a Planned Residential Development in the Industrial Office Park Mixed Use Residential Housing Overlay District unless the street design meets the requirements of the subdivision ordinance. Where no on-street parking is provided, in addition to the required off-street parking, the applicant shall provide additional off-street parking consistent with Section 597.O below.

2. Townhouses

(a) No group of townhouses shall consist of more than six (6) dwelling units.

(b) Within any continuous group of townhouses, there shall be at least two (2) different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than three (3) continuous townhouses shall have the same front setback and the variation in front setback shall be at least two (2) feet.

(c) The area designated for townhouses shall not exceed ten (10) dwelling units per acre.

(d) Except for other townhouses within the same townhouse group, no townhouse shall be closer than fifty (50) feet to any other dwelling unit.

(e) The minimum horizontal distance between groups of townhouses shall be:

i) Two (2) times the average height of the two groups of townhouses for front or rear walls facing front or rear walls;

ii) One and one-half (1.5) times the average height of the two groups of townhouses for front or rear walls facing side walls; and

iii) Thirty feet (30') for side walls facing side walls.

(f) Access and service shall be provided in the front of each townhouse. 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.

(g) Notwithstanding any other provision in this Ordinance to the contrary, all townhouse units shall have a minimum front yard setback of twenty (20) feet from the right-of-way; a minimum lot width of twenty (20) feet; and a minimum lot depth of ninety (90) feet.

Section 598.M - Ownership and Management of Common Open Space, Utilities, Common Areas, and Facilities

1. The ownership and management of common open space, utilities, common areas, and facilities in this overlay district shall be a non-profit homeowners association in accordance with Section 628.22.b of this Zoning Ordinance.

2. An open space management plan shall be submitted with an application for final subdivision and land development or an application for planned residential

development to provide for the long-term management and maintenance of any stormwater management, recreation, or any other common facilities which may be located within areas of common open space or common areas. Such a plan shall include a narrative discussion of:

(a) the manner in which the common open space and any facilities included therein will be owned and by whom they will be managed and maintained;

(b) the specific conservation and land management techniques and practices which will be used to conserve and perpetually protect the common open space, including, for example, stormwater management, where applicable, woodland stewardship planning, anticipated mowing schedules, management of invasive vegetation, provision for introduction of landscape materials, trail maintenance, recreation facilities, etc.;

(c) the professional and personnel resources that will be necessary in order to maintain and manage the common open space;

(d) the nature of public or private access that is planned for the common open space and the means by which such access shall be managed and/or controlled, as appropriate;

(e) the source(s) and approximate amounts of funding that will be available for such management, preservation and maintenance on a perpetual basis; and

(f) as a condition precedent to the release of the final plan for recording, a copy of the declaration, articles of incorporation and bylaws of the homeowners' association shall be provided to the Township for review, comment and approval.

Section 598.N - Community Landscape Design Plan.

1. All required landscaping and screening shall be installed and maintained in accordance with a Landscape Plan approved by the Board of Supervisors. The Landscape Plan shall depict all proposed plantings required to compliment, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with this section.

2. All required Landscape Plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary land development plan submission, conditional use approval application, etc.).

3. Plans shall be based on and reflect the following objectives:

(a) A design which is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principal and accessory buildings and other structures.

(b) A design which demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties.

(c) A design which creates visual interest for the users and/or residents of the proposed project.

(d) A design which promotes effective management of stormwater to minimize soil erosion and sedimentation and creates opportunities for infiltration to the groundwater system.

(e) The use of plant material which is: acclimated to local conditions; located and spaced to achieve required screening, compatible groupings and other effective purposes; and not injurious of persons or pedestrians and vehicular circulation.

4. Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be left in its natural state or shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan. A replacement program for non-surviving plants should be included.

5. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the crest of the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

6. Minimum planting standards. All required landscaping shall meet the minimum planting standards, criteria for selection of plant material, and design standards of this section.

(a) The total number of plantings required shall be no less than the total calculated from all columns in the following table and shall be in addition to any required replacement plantings due to woodland disturbance. The total number of required plantings may be dispersed throughout the tract to meet the objectives of this section. Additional plantings may be provided.

Improvement/Conditions	Deciduous Trees	Evergreen Trees	Shrubs
i) per 2,000 sq. ft. gross building area, ground floor only (building "footprint")	1	1	2
ii) per 2,000 sq. ft. off-street parking or loading area, excluding driveways less than 18 ft. wide	1	1	4
iii) per 100 linear ft. of new and existing public or private road frontage, measured on both sides where applicable	2	0	0
iv) per 100 linear ft. of existing tract boundary, where not coincident with existing or proposed road frontage, except for a tract boundary adjacent to an agriculture use	1	1	2

(b) Where applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation, structural and/or topographic conditions located within 100 feet of existing tract boundaries or within 100 feet of the cartway of existing or new roadway segments will conceal, on a year-round basis, adjacent development from view from such tract boundary or roadway segments, the linear footage of such tract boundary or roadway segments may be excluded from calculation of required plantings as above.

(c) Where calculation of the minimum number of plantings required as above results in fractions of plants required, the minimum number of plants required shall be rounded up to the nearest whole number.

(d) Plantings used to comply with the minimum number of plantings required as above shall be:

i) Deciduous trees - two-inch caliper, minimum; at the discretion of the Board of Supervisors, required two-inch caliper trees may be substituted by trees of at least one inch caliper at a ratio of two trees for each one tree otherwise required.

ii) Evergreen trees - six feet in height, minimum; at the discretion of the Board of Supervisors, required six-foot trees may be substituted by trees of at least three feet in height at a ratio of two trees for each one tree otherwise required.

iii) Shrubs - 24 to 30 inches in height, minimum; plantings and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock", ANSI or U.S.A.S. Z60.1

of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown within the same USDA hardiness zone as the site, shall be free of disease, and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this section.

7. Landscape design standards.

(a) The minimum number of plantings shall be determined in accordance with Section 6(a), above. Additional plantings may be provided to further the purposes of this section. Plantings provided in excess of the minimum required need not comply with the dimensional standards herein. Use of linear measurements for purposes of calculation is not intended to specify linear arrangement of plantings. Groupings of plantings are encouraged in lieu of linear arrangement, consistent with the provisions of this section.

(b) Consistent with the terms of this section, applicant shall plant trees and shrubs and make other landscape improvements (e.g., berms, fencing) as necessary to mitigate any adverse impacts, including visual impacts, which his proposed actions will have on his property, adjoining properties, and the Township in general, and otherwise address landscape issues identified through review of the required plans.

(c) Plantings and other landscape improvements shall be provided in arrangements and locations in response to specific site conditions and which best mitigate impacts of the applicant's proposed site disturbance actions. The amount, density, and types of plantings in any given location shall be based upon physiographic features, feasibility of using native species, proximity to existing dwellings, compatibility of adjacent uses, nature of views into and across the subject site, and in consideration of privacy of neighboring residential development.

(d) Where specific need(s) for visual screening or privacy have been identified, evergreen plantings shall be provided at least six feet in height, planted at intervals no less than eight feet on center. Where the Board of Supervisors agrees that an eventual screen (in three to five years) is acceptable in lieu of an immediate screen (to buffer future development, for example), evergreen plantings shall be at least three feet in height, substituted at a ratio of two to one as provided in Section 6(d), above, and planted at intervals of three to five feet on center. Landscape material other than plantings shall not be used for purposes of visual screening or

privacy except where approved by the Board of Supervisors and in accordance with an approved landscape plan. This restriction shall extend to any fence erected within any open space or perimeter buffer zone.

(e) Planting areas shall be selected and designed to reflect natural landscape characteristics existing prior to site disturbance, as well as those environmental conditions to be created following site disturbance by the applicant.

(f) The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight. In selecting locations for shade trees, consideration also shall be given to aesthetic qualities of the site and to the protection of solar access. In selecting the layout for landscape buffers or the location and mix of required plantings, consideration shall be given to the natural topography of the setting and the texture, coloration and compatibility of different plant species; it is strongly encouraged that improved landscapes be designed in such a manner as to be creative and attractive while maintaining the integrity of the natural landscape within which such work is proposed.

(g) Plantings shall be limited or carefully selected for locations where they may be disturbed or contribute to conditions hazardous to public safety. Examples of such locations include but shall not be limited to the edges of parking areas; public street rights-of-way; underground and above-ground utilities; and sight triangle areas required for unobstructed views at street intersections. No trees shall be planted closer than 15 feet from fire hydrants, streetlights, or stop signs.

Section 598.O – Parking Standards

1. Residential Parking Requirements

Minimum off-street parking requirements for residential usage shall be as follows:

(a) Number of off-street parking spaces whether the garage or on lot shall be provided in accordance with Sections i through vi below.

- i) For Single-Family Detached Dwellings – 4 parking spaces
- ii) For Townhouses – 3 spaces per townhouse unit in accordance with Section 598.L(2)(f) above.

(b) Requirements for Parking Lots for Townhouses

i) All access drives and parking lots shall be at least twenty (20) feet from any building on the lot and from exterior lot lines.

ii) iii) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.

iv) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts in accordance with Section 597.N of the Zoning Ordinance.

v) All accessways and parking areas shall be suitably paved with a permanent hard-surface paving.

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

vii) The requirements listed in subsections (vi) may be varied to permit a more desirable and efficient design subject to the Board of Supervisor's review and approval.

SECTION 4. Inconsistent Ordinances Repealed. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same effects this Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are severable and if any section, sentence, clause, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Caernarvon Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

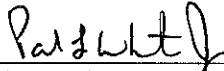
SECTION 6. This Ordinance shall become effective after enactment on the earliest date permitted by law.

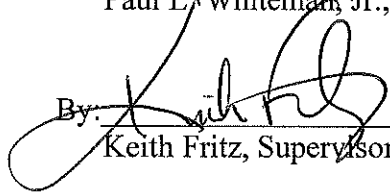
(Signature Page Follows)

ENACTED AND ORDAINED as an Ordinance of the Township of Caernarvon,
Berks County Pennsylvania, this 22nd day of March, 2022.


BOARD OF SUPERVISORS TOWNSHIP OF
CAERNARVON

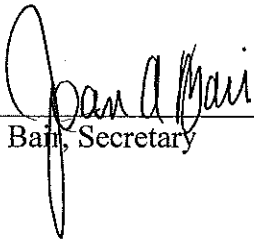
By: _____
Sandra Styer, Chairperson

By:  _____
Paul L. Whiteman, Jr., Vice- Chairperson

By:  _____
Keith Fritz, Supervisor

By: _____
Jeffrey Vickers, Supervisor

By:  _____
Paul L. Whiteman, Sr., Supervisor

Attest:  _____
Joan A. Bair, Secretary