

**THE BOROUGH OF SINKING SPRING
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 639-2019

AN ORDINANCE OF THE BOROUGH OF SINKING SPRING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF SINKING SPRING BOROUGH OF 2010, ORDINANCE NO. 577 OF 2010, AMENDING THE ZONING ORDINANCE (1) TO ADD CERTAIN DEFINITIONS OF SENIOR INDEPENDENT LIVING FACILITY, ASSISTED LIVING FACILITY, CONGREGATE CARE FACILITY AND PERSONAL CARE FACILITY TO ARTICLE III OF THE ZONING ORDINANCE; (2) TO ADD A NEW SECTION 502, TO PERMIT, AS A USE PERMITTED BY RIGHT, CONDOMINIUM AND PLANNED DEVELOPMENT USES WITHIN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT, (3) ADDING A NEW SECTION 506 TO THE ZONING ORDINANCE, SETTING FORTH CERTAIN DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS APPLICABLE TO CONDOMINIUM AND PLANNED DEVELOPMENT USES FOR CONDOMINIUM AND PLANNED DEVELOPMENT USES WITHIN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT AND (4) TO ADD A NEW SECTION 632 TO THE ZONING ORDINANCE SETTING FORTH CERTAIN DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS APPLICABLE TO SENIOR INDEPENDENT LIVING FACILITIES, ASSISTED LIVING FACILITIES, CONGREGATE CARE FACILITIES AND PERSONAL CARE FACILITIES.

NOW THEREFORE, be it, and it is hereby **ORDAINED**, by the Borough Council of the Borough of Sinking Spring, Berks County, Commonwealth of Pennsylvania, as follows:

SECTION 1. The Borough of Sinking Spring Zoning Ordinance of 2010 is hereby amended to add the following new definitions to Article III thereof, each at the alphabetically correct place, as follows:

“ASSISTED LIVING FACILITY – A building containing residential living facilities licensed as an assisted living facility by the Commonwealth of Pennsylvania for persons age fifty-five (55) or older and which provides personal and health care services, 24-hour supervisions, and various types of assistance in daily living.

CONGREGATE CARE FACILITY – A building containing residential living facilities intended as housing for person age fifty-five (55) or older and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping

services and to participate in activities, health services, and other services offered through a central management structure/service.

PERSONAL CARE FACILITY - A residential facility, licensed as a personal care facility by the Commonwealth of Pennsylvania engaged in the occupation of attending to the physical needs, personal care services, assistance and supervision of four or more persons who are not relatives of the operator and who are disabled or otherwise unable to take care of themselves, including tasks such as bathing, management of bodily functions, and cooking.”

SENIOR INDEPENDENT LIVING FACILITY - A building containing residential living facilities for persons age fifty-five (55) or older capable of living independently, which may include some types of assistance in daily living.

SECTION 2. The Borough of Sinking Spring Zoning Ordinance of 2010 is hereby amended to add a new Subsection 502.7. thereto, following Subsection 502.6. as follows:

“7. Condominium or Planned Development, subject to the requirements of Section 506 of this Ordinance.”

SECTION 3. The Borough of Sinking Spring Zoning Ordinance of 2010 is hereby amended to add a new Subsection 506 thereto, as follows:

“Section 506. DIMENSIONAL AND PERFORMANCE STANDARDS FOR CONDOMINIUM AND PLANNED DEVELOPMENT USES IN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT.

Condominiums or Planned Developments in the R-1 Suburban Residential Zoning District are subject to the following regulations:

- a. The minimum amount of land in the proposed development shall be ten (10) acres.
- b. The development shall be served by public sewage disposal and water supply facilities.
- c. The overall density of the development shall not exceed fifteen (15) dwelling units per acre.
- d. Permitted uses shall include single family detached dwellings, single family semi-detached dwellings, two family detached dwelling, two family semi-detached dwellings, townhouses, apartment buildings and Senior Independent Living Facilities, Assisted Living Facilities, Congregate Care Facilities and Personal Care Facilities. Senior Independent Living Facilities, Assisted Living Facilities,

Congregate Care Facilities and Personal Care Facilities within a Planned Development shall be subject to the dimensional restrictions and Performance Standards set forth at Section 632 of this Ordinance. In addition, buildings and uses accessory to these uses, such as clubhouses, swimming pools and other customary accessory uses and buildings shall be permitted uses.

- e. The Plan of the development shall comply with all the General Regulations of this Ordinance which are applicable to R-1 district.
- f. Not less than twenty (20) percent of the gross area of the tract to be developed shall be permanently set aside for common open space purposes, such as recreation or conservation of natural features. This area shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. The use proposed must provide a desirable community facility which can be enjoyed by the residents of the development. Areas for common Open space may be reserved for private use or dedicated to the Borough. For land which is not dedicated to the Borough, satisfactory written agreements acceptable to the Borough shall be made for their perpetual preservation and maintenance. The Borough may require that perimeter walking paths or trails be made accessible to the public
- g. Specific sections of the development shall be designated for townhouses (if these uses are included in the Plan), specific sections of the development shall be designated for apartments (if these uses are included in the Plan), and specific sections of the development shall be designated for single family detached dwellings (if these uses are included in the Plan).
- h. With respect to apartment portions of a Planned Development:
 - not more than 10% of all apartment dwelling units may contain more than two (2) bedrooms.
 - at least 3112 square feet of land shall be available for each dwelling unit with one bedroom.
 - at least 3630 square feet of land shall be available for each dwelling unit with two bedrooms.
 - at least 4356 square feet of land shall be available for each dwelling unit with more than two bedrooms.
 - One bedroom apartments shall have interior space of not less than 550 square feet, if a single level apartment, and not less than 650 square feet, if a multi-level apartment.

- Two bedroom apartments shall have interior space of not less than 700 square feet, if a single level apartment, and not less than 850 square feet, if a multi-level apartment.
 - Apartments having more than 2 bedrooms shall have interior space of not less than 950 square feet, if a single level apartment, and not less than 1,000 square feet, if a multi-level apartment.
- i. The areas designated for townhouses shall not be developed at a density to exceed ten (10) dwelling units per acre. The maximum length of an apartment building shall be two hundred ten (210) feet. This length limitation shall apply solely to traditional apartment buildings.
 - j. No apartment building shall be closer than fifty (50) feet to another dwelling.
 - k. The number of townhouse units within a continuous grouping shall not exceed six (6).
 - l. No townhouse units within a continuous row of townhouses shall be closer than fifty (50) feet to dwelling unit not in that row of townhouses, except 20' side to side between two groups is allowed.
 - m. Within any continuous group of townhouses there shall be at least two different architectural plans having substantially different designs, building materials, and exterior elevations. In addition, no more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least four (4) feet.
 - n. All structures shall be a minimum of fifty (50) feet from the property lines of the development.
 - o. No building shall have a height exceeding forty-five (45) feet.
 - p. No apartment building shall be located within ten (10) feet of any street right-of-way line.
 - q. No townhouse shall be located within twenty-five (25) feet of any street right-of-way line.

- r. Parking shall be provided on the lot of the townhouse or in 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.
- s. Exterior storage areas for trash and rubbish shall be completely screen from view on three sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.
- t. Common parking areas for townhouses or apartments shall not be designed or located to require cars to back into streets in order to leave the parking areas. All dead-end parking lots shall provide adequate area into which cars parked in the end stalls of the lots may back.
- u. Common parking areas and access drivers for townhouses or apartments shall be located a minimum of ten (10) feet from all structures and from the exterior lot lines of the development.
- v. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
- w. Parking areas shall be designed to prevent through traffic to other parking areas. No more than one hundred (100) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
- x. The development shall provide for 1.75 parking spaces for each apartment.
- y. Notwithstanding Section 5.033.A. of the Borough's Subdivision and Land Development Ordinance, the Cartway width of streets in the Planned Development shall be not less than 24 feet.
- z. Notwithstanding Section 5.037.C. of the Borough's Subdivision and Land Development Ordinance, street intersecting another street in a Planned Development shall either intersect directly opposite each other, or shall be separated by at least eighty (80) feet between centerlines, measured along the centerline of the street being intersected.
- aa. A Master Land Development Plan shall be required for the entire tract on which the Planned Development will be located. The Master Plan shall demonstrate a unified architectural theme which, in the reasonable opinion of Borough Council, is consonant with the Borough's plans for area of the Borough in which the

Planned Development is to be located. As a part of the Master Plan, developer shall present renderings of building elevations and a landscaping plan (including a buffering plan), to allow Borough Council a basis upon which to determine the consonance of the architectural design of the proposed Planned Development with the planned development of the area of the Borough in which the Planned Development is to be located. For the apartment buildings, at a minimum, developer shall maintain: (i) at least 33% masonry on the long sides of each building, net of fenestration, (ii) the long sides of each building and roof lines will have offsets to provide visual relief, (iii) roofs will be sloped, either gabled or hipped and (iv) the architectural design will remain consistent throughout the village with variation in the color pallet from building to building.

- bb. The Planned Development shall adhere to the requirements of the Pennsylvania Stormwater Management Act (Act 167) and the ordinances of the Borough enacted pursuant to Act 167. In addition, the owner of each stormwater management facility or best management practice shall be responsible for maintain each stormwater management facility or best management practice both in a functional and visually appealing condition.

SECTION 4. The Borough of Sinking Spring Zoning Ordinance of 2010 is hereby amended to add a new Subsection 632 thereto, as follows:

“Section 632. SENIOR INDEPENDENT LIVING FACILITIES, CONGREGATE CARE FACILITIES, ASSISTED LIVING FACILITIES AND PERSONAL CARE FACILITIES.

- A. Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities; and/or Personal Care Facilities shall be designed to achieve the following purposes:
 - 1) Each such facility shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited. All common facilities to support the needs of the residents of the facility shall remain under a single ownership.
 - 2) To encourage the development of a community to service adults who can no longer live safely in a fully independent lifestyle, and who require some level of care and assistance with some or all of the activities of daily adult living.
 - 3) To provide for appropriate recreational activities for the residents in both exterior and interior spaces.

- 4) To encourage innovation in design so the growing demand for housing may be met by a greater variety in type, design and layout of dwellings and by the conversion and efficient use of open space auxiliary to said units.

B. Uses permitted within Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities and Personal Care Facilities:

- 1) Residential uses:

- a) Efficiency units.
- b) One-bedroom units.
- c) Two-bedroom units.

- 2) Nonresidential uses.

- a) Activity centers intended for use by the residents. These centers may include dining, recreational, retail and/or office space.
- b) Recreational areas including exercise areas, common open space, walkways and trails, garden areas, picnic area, and similar improvements.
- c) Medical offices and rehabilitation center.
- d) Uses clearly accessory to any of the permitted uses including but not limited to off-street parking facilities.
- e) Nonresidential uses are restricted to the use by residents of the community and their guests. However, the management of such Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities, or Personal Care Facilities shall be permitted to open common areas of such facilities for use by community organizations for public and/or private meetings, at their discretion.

C. Area and density requirement for Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities and Personal Care Facilities.

- 1) Area requirements.

- a) A tract to be developed as a Senior Independent Living Facility, Congregate Care Facility, Assisted Living Facility or Personal Care Facility shall have a minimum lot size of five acres.

- 2) The gross residential density of a Senior Independent Living Facility, Congregate Care Facility, Assisted Living Facility or Personal Care Facility shall not exceed 25 dwelling units per acre.
- 3) Lot setbacks:
 - a) Except for parking spaces, no building or structure shall be located closer than 10 feet to the boundary line of the tract being developed.
 - b) No building or structure shall be located closer than 10 feet to the street right-of-way line.
- 4) Maximum Building Height: shall not exceed 45 feet.

D. Street, parking and lighting.

- 1) Streets and roadways:
 - a) Streets and driveways may be private, but shall be constructed to Borough standards.
 - b) Curbs shall be in accordance with Borough standards.
 - c) Sidewalks, if required by the Borough, shall be in accordance with Borough standards.
 - d) Roadway pavement thickness specifications shall conform to Borough standards.
 - e) Lighting shall be in accordance with Borough standards.
- 2) Parking requirements:
 - a) Parking shall be designed with a minimum of one off-street parking space for every dwelling unit.
 - b) An off-street loading area shall be provided that will not interfere with pedestrian or vehicular traffic.
 - c) An emergency vehicle pickup area shall be provided.

E. Landscaping.

- 1) Landscaping shall be provided in accordance with the provisions of Subdivision and Land Development Ordinance.

F. Design Regulations

- 1) All Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities or Personal Care Facilities shall be served by a storm sewer system conforming to all applicable ordinances and regulations of the Borough. All such facilities shall be constructed at the expense of the developer.
- 2) All Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities or Personal Care Facilities shall have exterior trash storage facilities. All Assisted Living Facilities shall also have a designated medical waste storage facility and pickup area.
- 3) The maximum impervious surfaced coverage associated with a facility shall be 75% of the gross site area.
- 4) The maximum building footprint associated with the facility shall be 75,000 square feet.
- 5) The minimum living area of units shall be:
 - a) Efficiency units: 300 square feet.
 - b) One-bedroom units: 400 square feet.
 - c) Two-bedroom units: 700 square feet.
- 6) Recreational facilities for a Senior Independent Living Facility, Congregate Care Facility, Assisted Living Facility or Personal Care Facility shall include:
 - a) An outdoor sitting area for residents, including covered patios as well as contiguous sidewalks which allows residents to walk around the building.
 - b) Areas within the building(s) designated for interior recreational facilities for the residents.
- 7) All Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Facilities shall be designed, maintained, and sized in accordance with the most restrictive applicable state and federal regulations. In the event of a discrepancy between this chapter and the state and/or federal

regulations, the most restrictive state and/or federal regulations shall apply.

- 8) All Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Facilities shall have an emergency management plan in effect for response to catastrophic events.
- 9) All Senior Independent Living Facilities, Congregate Care Facilities, Assisted Living Facilities and/or Personal Care Facilities shall have fire access on all four sides of a building. In the event a facility is designed with more than four exterior walls, this provision shall not be construed to require fire access on every exterior wall of the building.
- 10) All Senior Independent Living Facilities, Congregate Care facilities, Assisted Living Facilities and/or Personal Care Facilities shall have an automatic sprinkler fire suppression system. "

SECTION 5.

- A. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- B. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the Borough Council of the Borough of Sinking Spring.

ENACTED AND ORDAINED this 27th day of November, 2019.

BOROUGH COUNCIL OF
THE BOROUGH OF SINKING SPRING,
BERKS COUNTY, PENNSYLVANIA

[Signature]
President

Tracy N. Polisson
Vice President

[Signature]
Member

Lisa P. Gauntner
Member

[Signature]
Member

Member

Member

Attest: [Signature]
Secretary

Approved:
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Mayor

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Attention:

**STATE OF PENNSYLVANIA,
COUNTY OF BERKS**

The undersigned , being duly sworn the he/she is the principal clerk of Reading Eagle, Reading Eagle Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

PUBLIC NOTICE OF PROPOSED ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Sinking Spring, Berks County, Pennsylvania, will conduct a hearing to consider the adoption of a proposed Amendment of its Zoning Ordinance at its regularly scheduled meeting on November 27, 2019 at 7:00 P.M. in the Borough Hall located at 3940 Penn Avenue, Sinking Spring, Berks County, Pennsylvania as follows:

AN ORDINANCE OF THE BOROUGH OF SINKING SPRING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF SINKING SPRING BOROUGH OF 2010, ORDINANCE NO. 577 OF 2010, AMENDING THE ZONING ORDINANCE (1) TO ADD CERTAIN DEFINITIONS OF SENIOR INDEPENDENT LIVING FACILITY, ASSISTED LIVING FACILITY, CONGREGATE CARE FACILITY AND PERSONAL CARE FACILITY TO ARTICLE III OF THE ZONING ORDINANCE; (2) TO ADD A NEW SECTION 502.7; TO PERMIT, AS A USE PERMITTED BY RIGHT, CONDOMINIUM AND PLANNED DEVELOPMENT USES WITHIN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT, (3) ADDING A NEW SECTION 506 TO THE ZONING ORDINANCE, SETTING FORTH CERTAIN DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS APPLICABLE TO CONDOMINIUM AND PLANNED DEVELOPMENT USES FOR CONDOMINIUM AND PLANNED DEVELOPMENT USES WITHIN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT AND (4) TO ADD A NEW SECTION 632 TO THE ZONING ORDINANCE SETTING FORTH CERTAIN DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS APPLICABLE TO SENIOR INDEPENDENT LIVING FACILITIES, ASSISTED LIVING FACILITIES, CONGREGATE CARE FACILITIES AND PERSONAL CARE FACILITIES.

A copy of the full text of the Ordinances may be viewed during normal business hours at the Borough Hall of the Borough of Sinking Spring, 3940 Penn Avenue, Sinking Spring, Pennsylvania; at the office of the Reading Eagle Company, 345 Penn Street, Reading, Pennsylvania; or at the Berks County Law Library, 633 Court Street, 10th Floor, Reading, Pennsylvania.

BOROUGH OF SINKING SPRING
Michael Hart,
Borough Manager

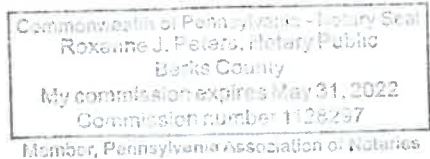
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Thank You !

**CILITIES, CONGREGATE CARE
FACILITIES AND PERSONAL
CARE FACILITIES.**

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**BOROUGH OF
SINKING SPRING
Michael Hart,
Borough Manager**