

**EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE 2023-859**

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 390, SECTION 23 – TOWNSHIP COMMONS DISTRICT**

**WHEREAS**, Section 1601 of the Second Class Township Code, 53 P.S. § 66601, authorizes the Exeter Township Board of Supervisors (“Board”) to adopt, amend, repeal or revise existing ordinances;

**WHEREAS**, Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, permits the Board to amend its zoning ordinances;

**WHEREAS**, Part II, Chapter 390, Section 23 of the Code of the Township of Exeter (“Code”) sets forth uses and conditional uses for property located within the Township Commons Zoning District; and

**WHEREAS**, the Board desires to allow additional conditional uses for properties within the Township Commons Zoning District.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania, as follows:

**SECTION 1.** Part II, Chapter 390, Section 23 is hereby amended in its entirety to read as follows:

A. **SPECIFIC INTENT.** It is the purpose of a Township Commons District (“TCD”) to:

- (1) Provide a range of commercial and related uses;
- (2) Minimize excessive paved areas and numerous curb cuts;
- (3) Encourage the consolidation of driveways, parking area and curb cuts to provide more efficient access to parking;
- (4) Encourage a unified pedestrian path system to create efficient pedestrian access between lots and uses and to surrounding neighborhoods;
- (5) Discourage overdevelopment through reasonable permitted lot coverages and paved areas;
- (6) Encourage attractive and appropriate site and architectural design in order to maintain and enhance TCD and nearby neighborhood property values; and
- (7) Encourage the redevelopment of older commercial properties.

B. **USES PERMITTED BY RIGHT.** Land and buildings served by public water and/or public/community sewer, or otherwise served by on-site water supply and/or on-site sewage disposal at the time of the adoption of the ordinance, may be used for the following purposes and no other:

- (1) Retail and wholesale sale of goods, prepared foods and services, except automobile tires, parts sales, and repair services, as well as adult bookstores.
- (2) Business, professional or governmental office or studio.
- (3) Banks, savings and loan associations, finance companies or similar types of businesses.
- (4) Municipal use.
- (5) Funeral home/crematorium.
- (6) Commercial school for the teaching of trades, arts or skills.
- (7) Personal service.
- (8) Fire company.
- (9) Motels and hotels.
- (10) Restaurants, taverns and similar types of establishments, except cabarets.
- (11) Microbrewery.
- (12) Brew pub.
- (13) Distillery.
- (14) Farmers market as an event or occasional use as permitted by the Exeter Township Code.
- (15) Club or lodge for fraternal or social purposes provided that all activities shall be conducted within buildings or structures.
- (16) Indoor theater and place of indoor amusement or recreation.
- (17) Convenience stores without fueling stations.
- (18) Golf course, driving range or miniature golf course, or tennis courts.
- (19) Swimming pool, subject to § 390-33.
- (20) Non-tower wireless communications facilities, per § 390-71.8 regulations.
- (21) Office of veterinarian.
- (22) Hospital/surgical center.
- (23) Diagnostic laboratory testing facility.
- (24) Diagnostic imaging center.
- (25) Medical office building.
- (26) Medical or dental clinic.
- (27) Jr. college/college/university.
- (28) Trade school.
- (29) Forestry activities, including, but not limited to, timber harvesting per § 390-56.
- (30) Yard sales but only in lots that have residential uses per § 390-64.
- (31) Shopping center pursuant to Subsection F.
- ~~(32) State-licensed nursery-school and child day-care center.~~
- (33) State-licensed adult day-care center.
- (34) No-impact home-based business, but only for existing residential uses that exist at the time of adoption of this ordinance.
- (35) Accessory uses and structures to the above-permitted uses when on the same lot as the permitted use per § 390-30A, B(1), and B(3).
- (36) Small wireless communications facilities, per § 390-71.8 regulations.

**C. AREA, YARD AND HEIGHT REGULATIONS.**

	<b>Maximum</b>
Building height - principal building	45 feet
Maximum impervious coverage	80%
	<b>Minimum</b>
<b>Lot size</b>	
Per separately deeded parcel or combination of parcels	10,000 square feet
Per leased pad site	5,000 square feet
Building setback (FY)	30 feet
Lot width	
At street line	100 feet
At building setback line	100 feet
<b>Open area</b>	20%
Side yard	
Total	60 feet
One side	30 feet
Rear yard	30 feet
Improvement setback	25 feet
Distance between buildings	50 feet
Distance between highway access points	150 feet

**D. PERFORMANCE STANDARDS.** In addition to the applicable environmental performance standards of § 390-35, the following performance standards shall also apply:

- (1) Drive-through service is permissible provided it can be conducted with a safe and orderly traffic pattern, with sufficient waiting area for vehicles waiting to place and pick up orders. Such safe and orderly traffic patterns shall be demonstrated by traffic plans and studies submitted by the applicant. Drive-through service must be 10 feet from the property line. Covered drive-through must meet setbacks.

**E. BUFFERS.** The landscaping/screening standards defined in § 390-31 apply to all uses in a TCD that abut residential zoning districts or residential uses.

~~**F. DESIGN STANDARDS.** The design standards defined in § 390-34 apply to all uses in a TCD. Additionally, all permitted uses shall comply with Exeter Township Subdivision and Land Development Ordinance (Chapter 330 of the Exeter Township Code), Article V(A), Design Standards, for the Township Commons District (TCD), Highway Commercial District (HCD) and Flex Industrial District (FID) as amended.~~

**G. SHOPPING CENTERS OWNERSHIP AND CONTROL.**

- (1) Shopping centers shall be held under single ownership or under a unified management control plan. If the Exeter Township Board of Supervisors has approved

development plans for a shopping center in accordance with the SALDO, the subsequent division of the shopping center shall contain covenants requiring the owner(s) thereof, and their successors and assigns, at all times, to operate and maintain such lots or parts of the shopping center in good order and repair and in a clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access and utilities shall be maintained between all lots; and that any owner of any lot, parcel or other real estate in shopping center shall covenant and agree to be bound by the conditions set forth in this subsection.

- (2) When the side and/or rear of a lot adjoin land zoned other than commercial or industrial, or used for residential purposes, the adjoining portion(s) of the lot shall provide a twenty-foot buffer strip suitably landscaped to provide a screen, and in which no paved areas or structures are permitted.

H. USES PERMITTED BY CONDITION. The following uses are permitted when a conditional use is granted by the Township Supervisors in accordance with § 390-90:

- (1) Non-tower wireless communications facilities when the collocation, modification, or replacement results in a substantial change and per § 390 -71.8 regulations.

The following uses shall be permitted upon approval as a conditional use provided that public water and sewer is available:

- (2) Apartments and townhouses. Apartment buildings shall meet the following requirements:

- (a) One- and two-bedroom units must comprise at least 80% of the total residential units.

- (b) 40% of all units must provide outdoor balconies, does not include 'Juliet balconies', 'false balconies' or 'balconet'. May also include individual unit patios or porches.

- (c) Covered outdoor or indoor bicycle parking/storage in the building or in the parking structure shall be provided for at least 15% of the total dwelling units.

- (d) Connections for laundry facilities shall be provided in each dwelling unit.

- (e) Apartment buildings with less than 30 dwelling units shall incorporate at least one or more of the below common amenities. Apartment buildings with 30 or more dwelling units shall incorporate at least two or more of the below common amenities:

- [1] Landscaped common open space (at ground floor level or on rooftop)

- [2] Fitness center

- [3] Swimming pool

- [4] Business center

- [5] Lounge

- [6] Community room

- [7] Walking trail

- [8] Gated dog run
- (f) Apartment buildings with 30 or more dwelling units may incorporate the below commercial uses on the first floor only:
  - [1] Personal service uses to include the following and similar uses:
    - (a) hairdresser/beauty shop/barber shop
    - (b) tailor/seamstress shop
    - (c) dry cleaning shop
  - [2] Retail uses to include the following and no others:
    - (a) pharmacy
    - (b) post office
    - (c) bank
  - [3] Food service uses, to include the following uses and no others:
    - (a) coffee shop/café
    - (b) convenience store without fueling station
  - [4] Low impact professional and business offices uses
    - (g) A package center shall be provided in each apartment building.
- (3) Condominiums in apartment-style buildings shall meet the requirements listed in Section H(2)(a)-(g).
- (4) Independent Living Facility.
- (5) Assisted Living Facility/Personal Care Facility.
- (6) Continuing Care Retirement Community.
- (7) Mixed-use, where business, office, retail and residential uses may occupy the same building, provided that:
  - a. With the exception of legal no-impact home-based businesses, business, entertainment, office use or retail business shall be located on the first floor.
  - b. No floor may be used in whole or in part for business or office use or retail business on a floor located above a floor used for residential purposes.
  - c. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
- (8) Parking shall meet Section 330A-18 and 390-37 of the Exeter Township Subdivision and Land Development Ordinance.
- (9) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per Sections 390-30(A), 390-30(B)(1), and 390-30(B)(3).

~~I. SUPPLEMENTAL REQUIREMENTS FOR INDEPENDENT LIVING FACILITIES AND ASSISTED LIVING FACILITIES~~

- (1) The facility shall include the following supporting uses:
  - a. Common leisure and/or recreational areas
  - b. Common dining area
- (2) In addition, the facility shall include one (1) or more of the uses listed under Section H(2)(f) and (g).
- (3) Declaration of Age Qualification. Subsequent to the approval of the Plan for the first phase of the development, but prior to the recording of the plan, the Developer shall

record a Declaration against property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age restriction of 55 years and older, which will be applicable to the project and in accordance with both Federal and State Fair Housing regulations.

#### J. SUPPLEMENTAL REQUIREMENTS FOR CONTINUING CARE RETIREMENT COMMUNITIES

- (1) No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Pennsylvania Department of Social Services, the Pennsylvania Department of Health, and other such appropriate local, state, and federal agencies which may have authority in a particular case.
- (2) Location
  - a. No such use shall be established in any area until local emergency services has determined that adequate emergency medical service and fire protection is available in short response time.
- (3) All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- (4) The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner, which minimizes the impact of the development on the neighborhood.
- (5) Declaration of Age Qualification. Subsequent to the approval of the Plan for the first phase of the development, but prior to the recording of the plan, the Developer shall record a Declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age restriction of 55 years and older, which will be applicable to the project and in accordance with both Federal and State Fair Housing regulations.

K. Sidewalks shall be required along all street frontages and interval driveways, per the requirements of Section 330-54 of the Exeter Township Subdivision and Land Development Ordinance and as required by the Township, in an effort toward creating a completely linked network of sidewalks connecting commercial centers, institutional facilities and residential buildings, including common open space areas for parking.

**L. AREA, YARD AND HEIGHT REGULATIONS AS CONDITIONAL USE**

	Non-Residential Buildings, Townhouse/Condominium/Multifamily Buildings	Independent Living Facility Assisted Living Facility/Continuing Care Retirement Community
	Maximum	
Building Height- Principal Building	45 Feet	45 Feet
Impervious Coverage	80 percent of lot area	80 percent of lot area
Building Length	200 feet	200 feet
Building Depth	80 feet	
	Minimum	
Lot Size (per leased pad site)	10 Acre	10 Acre
Building Setback	20 feet	20 feet
Lot Width		
At street line	80 feet	200 feet
At building setback line	80 feet	200 feet
OPEN AREA	20 percent of lot area	20 percent of lot area
Side Yard		
Total	30 feet	30 feet
One Side	15 feet or 12 feet per residential end unit	15 feet
Rear Yard	20 feet	30 feet
Improvement Setback	10 feet	15 feet
Distance Between Buildings	50 feet	50 feet
Distance Between Highway Access Points	150 feet	150 feet
Retaining Wall Setback from Property Line (up to 12 feet high)	10 feet	10 feet

**Notes:**

1. No more than eight (8) townhouses shall be in a continuous row.
2. No more than four (4) continuous townhouses/apartments shall have the same front setback and the variations in front setback shall be at least two (2) feet.
3. A system for pedestrian circulation throughout the development shall be provided.

**M. DWELLING UNIT SIZE AND MAXIMUM DENSITY AS CONDITIONAL USE**

- (1) A minimum of one thousand two hundred square feet for three or more-bedroom units;
- (2) A minimum of nine hundred square feet for two-bedroom units;
- (3) A minimum of seven hundred fifty square feet for one-bedroom units, and
- (4) A minimum of four hundred fifty square feet for studio/efficiency units.

**N. MAXIMUM DENSITY**

HOUSING TYPE	MAXIMUM DWELLING UNITS PER ACRE
Mid-Rise Apartment	30
Low-Rise Apartment	24
Townhouses, Condominiums	12
Independent Living/Assisted Living Facility/Continuing Care Retirement Community	35

**O. HEIGHT BONUS**

- (1) In order to achieve a building height greater than the base height of 45 feet, buildings located within the District shall be eligible for a height increase of an additional 10 feet (for a maximum height of 55 feet) if at least one of the usable open space areas listed below is provided. Buildings located within the District shall be eligible for a height increase of an additional 20 feet (for a maximum height of 65 feet) if at least two of the usable open space areas listed below are provided.
- (2) General usable open area standards are as follows:
  - a. Usable open areas shall be focal points of the community and key public assets. These areas must be visible and accessible from a public walkway or sidewalk and shall not be in utility areas and stormwater management areas.
  - b. Usable open areas shall include connections to outdoor cafes, restaurants or building entrances and have maximum direct sunlight. Necessary shade shall be provided by trees, canopies, trellises, building walls or tables with umbrellas.
  - c. Usable open areas shall be deed restricted to permanently preserve the area and to guarantee permanent public and/or resident access, as appropriate.
- (3) Rooftop mechanical equipment, including elevators, parapets, roof forms and decorative elements not intended for occupancy, shall be excluded from the total structural height where such features are screened or installed consistent with applicable design standards. All structures shall conform to the building design standards in Article V(A) of the Exeter Township Subdivision and Land Development Ordinance.
- (4) For lots abutting residential zoning districts or residential uses, rear yards shall be a minimum of 50 feet and side yards shall be a minimum of 30 feet each for the first 10 feet of increased height, up to 55 feet for every one foot of increased height above 55 feet, rear and side yard setbacks shall increase by two (2) feet each.



**P. PARKING REGULATIONS FOR CONFITIONAL USE**

(1) Off-street parking shall be provided per below:

<b>Use</b>	<b>Minimum Requirements</b>
Assisted Living Facility	One (1) space per two assisted living units
Independent Living Facility	One (1) space per independent living unit
Continuing Care Retirement Community	One (1) space per independent apartment unit
Guest parking for above senior residential uses	One (1) space per three units
Apartments	Two (2) spaces per unit, may include garages
Townhouses/Condominiums	Three (3) spaces per unit, not to include garages
Guest Parking for above residential uses	One (1) space per five (5) units
Mixed-Use	Calculated by adding together the parking required for each use, including any residential component

(2) Cross-access easements and a shared parking maintenance agreement are required for adjacent lots with connected parking lots pursuant to the requirements of Section 390-37.S.

(3) Access drive centerlines shall be located a minimum of fifty (50) feet from the intersections of local street centerlines and one hundred fifty (150) feet from the centerline of any other street classification.

(4) All other parking requirements shall be provided per Section 390-37 of the Zoning Ordinance.

**Q. USE REQUIREMENTS BY TRACT SIZES**

(1) Developments shall meet the following mix of use requirements:

a. Tract sizes of less than 1 acre in size:

1. No mixing requirement. Developments can consist of one use only (per site)

b. Tract sizes of 1 to less than 10 acres in size:

1. Developments shall include at least two of the uses listed under Section H(2) with each use compromising at least 10% of the development's total building floor area. In addition, retail and restaurant uses may not compromise more than 35% of the development's total building floor area.

c. Tract sizes of 10 or more acres in size:

1. Office, entertainment and institutional uses:

[1]. Minimum percentage of building floor area: 5%

[2]. Maximum percentage of building floor area: 70%

2. Retail and restaurant uses:

[1]. Minimum percentage of building floor area: 5%

- [2]. Maximum percentage of building floor area: 50%
- 3. Residential uses:
  - [1]. Minimum percentage of building floor area: 20%
  - [2]. Maximum percentage of building floor area: 85%
- d. In any development with single-family attached dwellings as part of an age-restricted development:
  - 1. No more than four (4) dwelling units shall be attached.
  - 2. Dwellings shall reflect, in architecture and site design, the character of a single family residences and shall not have the appearance of townhouses.

## **SECTION 2. REPEAL OF ORDINANCES**

Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance's provisions.

## **SECTION 3. SEVERABILITY**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Exeter, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

## **SECTION 4. EFFECTIVE DATE**

This Ordinance shall become effective at the earliest date permitted by law.

## **SECTION 5. CODE OF ORDINANCES**

~~The Code of Ordinances of Exeter Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Exeter Township upon enactment.~~

DULY ORDAINED and ENACTED as an Ordinance this 12<sup>th</sup> day of June, 2023.

BOARD OF SUPERVISORS OF  
EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

  
\_\_\_\_\_

Chairman

\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_

Member

  
\_\_\_\_\_

Member

\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Township Manager

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023-859 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on June 26, 2023, pursuant to notice as required by law.

Dated: 06/27/23

  
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Exeter Township Secretary