

ORDINANCE NO. 755

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN,
BERKS COUNTY, PENNSYLVANIA, AMENDING
THE MOUNT PENN BOROUGH ZONING ORDINANCE OF
1976, AS AMENDED, BY PROVIDING FOR A TRANSITIONAL/AGE
DEVELOPMENT WITHIN AN R-5 URBAN RESIDENTIAL ZONING
DISTRICT AS A CONDITIONAL USE AND REZONING A CERTAIN
TRACT OF GROUND BOUNDED TO THE NORTH BY PERKIOMEN
AVENUE, TO THE EAST BY 21ST STREET, TO THE SOUTH BY
FAIRVIEW AVENUE AND TO THE WEST BY 20TH STREET FROM R-1
SUBURBAN RESIDENTIAL TO R-5 URBAN RESIDENTIAL

WHEREAS, Borough Council of the Borough of Mount Penn desires to amend the
Mount Penn Zoning Ordinance of 1976, as amended, ("Zoning Ordinance"); and

WHEREAS, zoning amendments are authorized by Section 609 of the Pennsylvania
Municipalities Planning Code, as amended and Section 705 of the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of
the Borough of Mount Penn, Berks County, Pennsylvania, and it is hereby ENACTED AND
ORDAINED by the authority as aforesaid as follows:

Section 1. Section 202 of the Zoning Ordinance entitled "Specific Terms" is hereby
amended by adding thereto the following definition:

"Transitional-Age Development:" A unified planned residential development providing a unique
and innovative approach for housing and community development for families as well as persons
over 55 years of age in accordance with the provisions of Sections 446 and 447 of this Zoning
Ordinance.

Section 2. Part 4 of the Zoning Ordinance is amended by adding thereto the
following Section 446:

"Section 446: Uses Permitted by Conditional Use"

The following principal uses and their accessory uses are permitted by conditional use
within the R-5 Zoning District, provided that: a conditional use is granted by Council in
accordance with the provisions of Section 709 of this Zoning Ordinance:

- (A) Transitional-Age Development, subject to the provisions of Section 447 of this
Zoning Ordinance.

the Zoning Ordinance is amended by adding thereto the

"Transitional-Age Retirement Community"

This section of the Zoning Ordinance is to provide standards for developments, containing townhouse residential uses and/or multi-family units as condominium units. The objectives of these provisions are as follows:

Provide an unique approach for housing and community development with provisions to permit more efficient utilization of land and of community resources and services.

Encourage innovative residential land development that will conserve open space and protect environmentally sensitive areas.

Efficiently utilize the remaining undeveloped land area within Mount Penn Township, while providing unique housing opportunities for families as well as persons over 55 years of age.

Implement the recommendations concerning natural features, development, transportation, housing and land use, as outlined within the Comprehensive Plan.

Retirement communities containing residential lots or units, as permitted herein and further defined under Section 202 of this Zoning Ordinance, are a permitted use within the R-5 Zoning District.

Age retirement communities shall be designed in accordance with the following design and eligibility requirements:

The minimum amount of land in the development shall be four (4) contiguous acres. A minimum lot area shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties.

Waste disposal facilities contained within the transitional-age development shall be served by municipal or private sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence of sufficient capacity to service the development.

- (4) A minimum of twenty (20) percent of the gross area of the transitional-age retirement community shall be set aside as common open space. The area designated as common open space shall comply with all provisions of this section of the Zoning Ordinance.
- (5) The maximum permitted base residential density for transitional-age retirement communities shall be 12.00 dwelling units per acre.
- (6) A density bonus of 2.00 dwelling units per gross acre may be added to the base residential density requirements for each design objective (as contained within this subsection) achieved as part of the conditional use application. The maximum permitted density bonus shall not exceed 8.0 dwelling unit per gross acre. As part of the conditional use application, Council may consider a density bonus for the following design objectives:
 - (a) The transitional-age development is designed as an adult or age-qualified development, whereas, at least thirty five (35) percent of the residential units shall be occupied by residents over 55 years of age and who do not have any children or dependants.
 - (b) The transitional-age retirement community provides additional consideration to on-site traffic, drainage and sanitary sewer improvements over and above what is otherwise required by ordinance, which are deemed necessary by Mount Penn Borough to accommodate the residential density of the transitional-age retirement community.
 - (c) The transitional-age retirement community provides consideration for active recreation facilities on at least ten (10) percent of the land area designated as open space within the transitional-age retirement community.
 - (d) The transitional-age retirement community provides passive recreational opportunities or open space areas that are considered planned and integrated with other community features.
 - (e) The transitional-age retirement community is designed with a village or historic atmosphere with unique or enhanced architectural values, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 - (f) The transitional-age retirement community provides additional open space areas beyond the minimum requirement of twenty (20) percent of the gross tract area, regardless of configuration, such that a 2.0 residential density bonus shall be incrementally applied for each additional five (5) percent of the gross tract area that is designated as open space within the traditional neighborhood development. The maximum density bonus for this provision shall not exceed 4.0 dwelling units per acre.
 - (g) The transitional-age retirement community is designed in an environmentally sensitive fashion that results in the preservation of mature trees, woodlands, steep slopes, floodplains and wetlands.
 - (h) The applicant agrees to fund and complete substantial public improvements to mitigate one (1) or more off-site impacts of the development,

public streets and intersections, stormwater management facilities, public utility facilities and/or public sanitary sewer facilities, as identified by the applicant as a means to significantly reduce the need for public expenditures to meet public needs associated to any degree with the proposed conditional development.

and uses shall be permitted uses within an transitional-age retirement community.

use units, subject to the following minimum and maximum development standards:

minimum width of a townhouse unit shall be 20 feet.

minimum building setback line should be established 20 feet from the right-of-way or external property lines, which are not owned by the applicant in pre-development conditions.

minimum separation distance from groups of occupied buildings shall be 40 feet regardless of their orientation.

maximum height of a townhouse unit shall be limited to three (3) floors of height above the elevation of the sill at the main entrance of that townhouse unit.

minimum of two (2) off-street parking spaces shall be required for each townhouse unit, which may be incorporated within individual attached or detached garages.

for a multi-unit residential complex containing condominium units, subject to the following minimum and maximum development requirements:

number of individual residential units contained within a single complex or building shall not exceed forty (40) condominium units.

building setback line should be established 50 feet from the right-of-way or external property lines, which are not owned by the applicant in pre-development conditions.

separation distance from groups of occupied buildings shall be 40 feet, regardless of their orientation.

- (3) Office space consisting of no more than 2,000 square feet and utilized for the purposes of conducting customary business, sales, meetings and/or maintenance, which are directly associated with the transitional-age retirement community and which are owned and operated by the developer or homeowners association.
 - (4) Indoor recreation and/or community center consisting of no more than 5,000 square feet and utilized exclusively by the residents of the transitional-age retirement community.
 - (5) No impact home based business or occupation.
 - (6) Accessory buildings, structures and uses.
- (E) The transitional-age retirement community shall be designed in accordance with the following planning and engineering considerations:
- (1) All land and water areas that are not utilized for lots, streets, utilities, or other permitted uses within the transitional-age retirement community shall be set aside and maintained as common open space.
 - (2) No more than sixty (60) percent of the transitional-age development shall be covered by buildings.
 - (3) No more than eighty (80) percent of the transitional-age development units shall be covered by impervious surfaces.
 - (4) The proposed residential dwelling units within the transitional-age retirement community shall not have direct vehicular access to an existing public street.

Section 4. Part 7 of the Zoning Ordinance is amended by adding thereto the following Section 709:

“Section 709: Conditional Uses”

- (A) Where specified under the provisions of this Zoning Ordinance, Council shall hear requests for conditional use applications, as permitted under the authority of the Pennsylvania Municipalities Planning Code.
- (B) The conditional use application and hearing shall comply with all procedural requirements specified by the Pennsylvania Municipalities Planning Code.

Section 5. That the Zoning Map of the Borough of Mount Penn referred to in Section 302 of the Zoning Ordinance and declared to be a part of the Zoning Ordinance is further amended by changing the zoning classification of land situate in the Borough of Mount Penn, Berks County, Pennsylvania and described as follows to wit:

All that certain tract or parcel of land containing 4.2 ± acres bounded to the north by Perkiomen Avenue, to the east by 21st Street, to the south by Fairview Avenue, and to the west by 20th Street.

from the existing classification of R-1 Suburban Residential to R-5 Urban Residential in its entirety. A copy of a plan depicting the within change of zoning district is on file with the Secretary of the Borough located at 200 North 25th Street, Reading, PA 19606.


Section 6. Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

Section 7. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 8. This Zoning Ordinance shall become effective five (5) days after its enactment by the Council of the Borough of Mount Penn, Berks County, Pennsylvania.


This Ordinance, ordained and enacted this 11th day of April, 2006.

BOROUGH OF MOUNT PENN


Thomas A. Staron, President

Attest: 
Ann D. Ftorski, Secretary

APPROVED this 11th day of April, 2006


Josh Nowotarski, Mayor