

ORDINANCE NO. 2010-2

AN ORDINANCE OF THE TOWNSHIP OF GREENWICH, BERKS COUNTY, PENNSYLVANIA, TO AMEND SECTION 406 V - VILLAGE ZONING DISTRICT OF THE GREENWICH TOWNSHIP ZONING ORDINANCE OF 1973, AS AMENDED NOVEMBER 6, 2000, MARCH 3, 2003, AND JUNE 1, 2009

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Greenwich, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

SECTION 1. Village Zoning District, Section 406.1 of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 is hereby amended by adding a new section 406.1B as follows:

- B. Undeveloped land consisting of fifteen (15) acres or more located outside of the historic village centers in the Village District shall be developed with mixed residential and non-residential uses which non-residential uses are required to consist of a minimum of 10% and a maximum of 25% of the gross area of the tract in accordance with 406.3 of the Ordinance.

SECTION 2. Village Zoning District, Section 406.1 of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 is hereby amended by adding a new section 406.1D as follows:

- D. Development of land consisting of fifteen (15) acres or more shall require a mandatory open space requirement which consists of 25% of the gross area of the tract which shall be allocated as common open space in accordance with 406.4 of this Ordinance.

SECTION 3. Village Zoning District, Section 406.1.E of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 is hereby repealed in its entirety.

SECTION 4. Village Zoning District, Section 406 of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 is hereby amended by adding a new section 406.3 as follows:

406.3. Mixed Residential and Non-residential Development

- A. The commercial component of a development of fifteen (15) acres or more shall be mandatory and shall consist of a minimum of 10% and a maximum of 25% of the gross acreage of the Tract.
- B. The commercial component shall consist of commercial uses primarily oriented to serve both the residents of the development and residents of the immediately surrounding community. The commercial uses may consist of any permitted commercial uses, including other similar types of retail and service uses.
- C. Commercial uses may be contained in multistory, mixed-use structures with commercial uses on the ground level and apartment dwellings on the upper levels. Such buildings contained within any neighborhood shall vary in terms of footprint and architectural elevations. Storefront commercial buildings shall be designed to coordinate with the scale and character of the streetscape upon which it fronts. Contemporary commercial structures shall be detached and visually separated from the village streetscape. For the purposes of calculating residential density for apartment dwellings located on upper floors above commercial uses each such apartment dwelling shall count as one-half(0.5) dwelling unit.
- D. For Storefront commercial uses, on street parking shall be provided as a supplement to off-street parking facilities to serve customers of Storefront commercial uses. The minimum requirement for on-street parking shall be one (1) curbside space for each 2,000 square feet of gross floor area of Storefront commercial uses. Where the minimum on-street parking requirement cannot be completely complied with, the deficient number of spaces shall be provided in off-street parking lots. Commercial on-street parking shall be provided as curbside parallel or angle parking located along both sides of the streets on all blocks upon which commercial uses front. Contemporary Commercial uses shall provide off-street parking and loading in accordance with the off-street parking provisions of Article VI of this Ordinance.
- E. Parking Lot Landscaping, Buffering and Screening.
 - 1. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare onto adjacent properties.

2. The interior of all parking lots shall be landscaped to provide shade and visual relief. Parking lots with ten (10) spaces or less may not require interior landscaping if the applicant demonstrates to the Greenwich Township Board of Supervisors that there is adequate perimeter landscaping.
3. Parking lot layout shall take into consideration pedestrian circulation, pedestrian crosswalks shall be provided, where necessary and appropriate.
4. Parking lot layout, landscaping, buffering and screening shall comply with Section 605 of this Ordinance.

SECTION 5. Village Zoning District, Section 406 of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 is hereby amended by adding a new section 406.4 as follows:

406.4. Common Open Space Requirements

- A. Twenty-five percent (25%) of the gross area of a development consisting of fifteen (15) acres or more shall be allocated to and shall remain common open space. Common open space within the Flood Plain shall be included within the required common open space; however, the provisions of all applicable flood plain regulations shall apply. Common open space shall be deed restricted to prohibit future subdivision or development, except for recreational uses that may be permitted with the approval of the Greenwich Township Board of Supervisors. The common open space shall be provided in the form of internal open space and peripheral open space.
- B. Internal open spaces shall contain a minimum area of 500 square feet and shall be of a distinct geometric shape (generally rectangular or square) appropriate for use as a public space. Internal open spaces shall function as traditional urban public space i.e.: park, monumental, public gathering or visual. Internal open spaces shall in general be the focus or be spatially enclosed by the buildings that front on the area or front upon the streets bounding the area.
- C. Common open space, particularly peripheral open space areas, containing existing attractive or unique natural features, such as streams, creeks, ponds, floodplains, wetlands, woodlands,

specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in natural state. As a general principle, the preservation of undeveloped open space in its natural state or as existing farms is encouraged. To the greatest extent possible, common open space shall include all environmentally sensitive areas, including areas with slopes greater than fifteen percent (15%), 100-year floodplains, wetlands, areas of seasonally high water, and other such critical areas. Existing man-made features, such as farmsteads, may be preserved through incorporation in common open space.

- D. Peripheral open space areas may be used for public and semipublic recreation purposes.
- E. Recreational facilities shall be required to serve the anticipated needs of the residents of the development, taking into account the anticipated characteristics and demographic profile of the developments' population, the recreational facilities available in neighboring developments, and the relevant provisions regarding recreational facilities contained in the Comprehensive Plan.
- F. The buildings, structures, and improvements permitted in the common open space shall be appropriate to the authorized uses and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- G. The Phasing Plan of the development shall coordinate the improvement of the common open space with the construction of dwellings. At no time in the development of various phases of the development may the total area of common open space in the phases developed be less than twenty-five percent (25%) of the gross area of the developed lands unless additional areas to produce the required percentage are permanently reserved as common open space on the remaining land of the total development. The location or size of this reserved common open space on remaining land may be altered or changed upon the approval and recording of the development plan of an additional phase of development.
- H. The ownership, administration and maintenance of common open space shall be arranged to be in accordance with one or more of the following:

1. The Township may accept dedication of common open spaces or any interest therein for public use and maintenance, for no consideration to be paid by the Township. Unless waived by the Greenwich Township Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the common open space at any time within ten (10) years of the recording of the final subdivision plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor that the common open space is irrevocably offered for dedication to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated common open space unless and until it has been accepted by formal action of the Township. This provision does not preclude future plan modification by the developer.
2. The landowner may establish a property owners' association made up of the owners of property in the development, for the purpose of owning, administering and maintaining common open space; provided however, the association shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own, administer and maintain common open space approved by the Township) without first offering the common open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
3. The landowner may establish a deed or deeds of trust, approved by the Township Board of Supervisors, for the purpose of owning, administering and maintaining common open space, with the Trustee empowered to levy and collect assessments from the property owners of the development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
4. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language

acceptable to the Township Solicitor, the developer may transfer the fee simple title in the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources; provided that:

- a. The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence;
 - b. The conveyance contains appropriate provisions for proper retransfer or reverser in the event that the organization becomes unable to continue to carry out its functions, and
 - c. A maintenance agreement acceptable to the Township is entered into by the developer, organization and Township.
- I. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township shall have the power to ensure maintenance of the common open space in accordance with the provisions of Section 705 (f) of the MPC.

SECTION 6. All remaining provisions of the Greenwich Township Zoning Ordinance of 1973, as amended November 6, 2000, March 3, 2003, and June 1, 2009 shall remain in full force and effect.

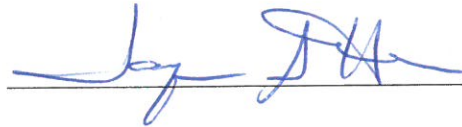
SECTION 7. In the event that any provision, section, sentence, clause or portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Greenwich that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional

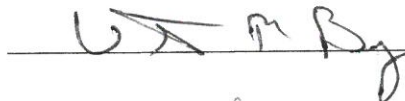
SECTION 8. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

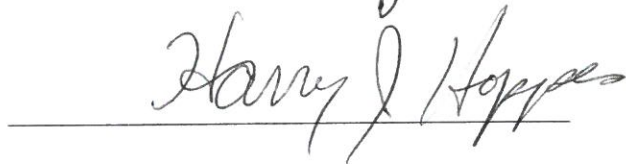
SECTION 9. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 3rd day of May, 2010.

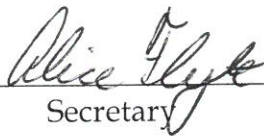
TOWNSHIP OF GREENWICH
BOARD OF SUPERVISORS







Attest: _____


Secretary

MUNICIPAL CERTIFICATION

I, Alice Flyte, Secretary of the TOWNSHIP OF GREENWICH, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 2010- 2 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in the Township of Greenwich, on April 12, 2010, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on May 3, 2010.

(SEAL)

Alice Flyte
Secretary

Date: May 3, 2010