

ORDINANCE NO. 634

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE FLEETWOOD BOROUGH ZONING ORDINANCE OF 2001, AS AMENDED, BY: (1) AMENDING AND RESTATING ARTICLE IV ENTITLED "DISTRICT REGULATIONS", SECTION 401 ENTITLED "R-1 - LOW DENSITY RESIDENTIAL", SUBSECTION 401.2 ENTITLED "PERMITTED ACCESSORY USES", TO PROVIDE THAT PRIVATE GARAGES AND PRIVATE PARKING AREAS ARE PERMITTED ACCESSORY USES PURSUANT TO THE PROVISIONS OF SECTION 505 AND TO ALLOW PARKING AREAS TO BE LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE OR ON A SEPARATE LOT; (2) AMENDING AND RESTATING ARTICLE IV ENTITLED "DISTRICT REGULATIONS", SECTION 402 ENTITLED "R-2 MEDIUM DENSITY RESIDENTIAL", SUBSECTION 402.2 ENTITLED "PERMITTED ACCESSORY USES", TO PROVIDE THAT PRIVATE GARAGES OR PRIVATE PARKING AREAS ARE PERMITTED ACCESSORY USES PURSUANT TO THE PROVISIONS OF SECTION 505 AND TO ALLOW PARKING AREAS TO BE LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE OR ON A SEPARATE LOT; (3) AMENDING AND RESTATING ARTICLE IV ENTITLED "DISTRICT REGULATIONS", SECTION 403 ENTITLED "C-1 GENERAL COMMERCIAL", SUBSECTION 403.2 ENTITLED "PERMITTED ACCESSORY USES", TO PROVIDE THAT OFF-STREET PARKING AREAS ARE PERMITTED ACCESSORY USES PURSUANT TO THE PROVISIONS OF SECTION 505 AND TO ALLOW OFF-STREET PARKING AREAS TO BE LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE OR ON A SEPARATE LOT; (4) AMENDING AND RESTATING ARTICLE IV ENTITLED "DISTRICT REGULATIONS", SECTION 404 ENTITLED "C-2 COMMERCIAL DISTRICT", SUBSECTION 404.2 ENTITLED "PERMITTED ACCESSORY USES", TO PROVIDE THAT OFF-STREET PARKING AREAS ARE PERMITTED ACCESSORY USES PURSUANT TO THE PROVISIONS OF SECTION 505 AND TO ALLOW OFF-STREET PARKING AREAS TO BE LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE OR ON A SEPARATE LOT; (5) AMENDING AND RESTATING ARTICLE IV ENTITLED "DISTRICT REGULATIONS", SECTION 405 ENTITLED "I-1 INDUSTRIAL", SUBSECTION 405.2 ENTITLED "PERMITTED ACCESSORY USES", TO PROVIDE THAT OFF-STREET PARKING FACILITIES ARE PERMITTED ACCESSORY USES PURSUANT TO THE PROVISIONS OF SECTION 505 AND TO ALLOW OFF-STREET

PARKING AREAS TO BE LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE OR ON A SEPARATE LOT; (6) AMENDING AND SUPPLEMENTING ARTICLE V ENTITLED "SUPPLEMENTARY REGULATIONS", SECTION 505 ENTITLED "PARKING AND TRUCK LOADING REQUIREMENTS", SECTION 505.1 ENTITLED "OFF-STREET PARKING", TO ESTABLISH OFF-STREET PARKING REQUIREMENTS FOR HOME OCCUPATIONS AND TO ADD A NEW SECTION 505.6 ENTITLED "SHARED PARKING REGULATIONS" TO ESTABLISH REGULATIONS FOR SHARED PARKING FOR USES THAT CANNOT OTHERWISE MEET THE PARKING REQUIREMENTS OF THE ZONING ORDINANCE WITHIN THE LOT LINES OF THE PRINCIPAL USE.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article IV entitled "District Regulations", Section 401 entitled "R-1 Low Density Residential", Subsection 401.2 entitled "Permitted Accessory Uses", Subparagraph a) is amended and restated to provide that private garages or private parking areas are permitted accessory uses pursuant to the provisions of Section 505 and can be located on the same lot with the permitted principal use or on a separate lot, as follows:

401.2 PERMITTED ACCESSORY USES - Located on the same lot with the permitted principal use.

- a) Private garages or private parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to Section 504.
- c) Home Occupations pursuant to the provisions of Section 502.
- d) Other customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

SECTION 2. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article IV entitled "District Regulations", Section 402 entitled "R-2 Medium Density Residential", Subsection 402.2 entitled "Permitted Accessory Uses", Subparagraph a) is amended and restated to provide that private garages or private parking areas are permitted accessory uses pursuant to Section 505 and can be located on the same lot with the permitted principal use or on a separate lot, as follows:

402.2 PERMITTED ACCESSORY USES - Located on the same lot with the permitted principal use.

- a) Private garages or private parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to the provisions of Section 504.
- c) Home Occupations pursuant to the provisions of Section 502.
- d) Other customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

SECTION 3. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article IV entitled "District Regulations", Section 403 entitled "C-1 General Commercial", Subsection 403.2 entitled "Permitted Accessory Uses", Subparagraph a) is amended and restated to provide that off-street parking areas are permitted accessory uses pursuant to the provisions of Section 505 and can be located on the same lot with the permitted principal use or on a separate lot, as follows:

403.2 PERMITTED ACCESSORY USES - Located on the same lot with the permitted principal use.

- a) Off-street parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to the provisions of Section 504.
- c) Storage within completely enclosed buildings.
- d) Other customary Accessory Uses and Buildings provided such are clearly incidental to the principal use.

SECTION 4. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article IV entitled "District Regulations", Section 404 entitled "C-2 Commercial District", Subsection 404.2 entitled "Permitted Accessory Uses", Subparagraph a) is amended and restated to provide that off-street parking areas are permitted accessory uses pursuant to the provisions of Section 505 and can be located on the same lot with the permitted principal use or on a separate lot, as follows:

404.2 PERMITTED ACCESSORY USES

- a) Off-street parking areas pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).

- b) Signs pursuant to the provisions of Section 504.
- c) Storage within completely enclosed buildings.
- d) Other customary Accessory Uses and Buildings provided such are clearly incidental to the principal use.

SECTION 5. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article IV entitled "District Regulations", Section 405 entitled "I-1 Industrial", Subsection 405.2 entitled "Permitted Accessory Uses", Subparagraph a) is amended and restated to provide that off-street parking facilities are permitted accessory uses pursuant to the provisions of Section 505 and can be located on the same lot with the permitted principal use or on a separate lot, as follows:

405.2 PERMITTED ACCESSORY USES - located on the same lot with the permitted principal use.

- a) Off-street parking facilities pursuant to the provisions of Section 505 (parking areas may also be located on a separate lot).
- b) Signs pursuant to the provisions of Section 504.
- c) Restaurants, cafeterias or recreational facilities for employees only.
- d) Retail business or service incidental to the principal permitted use with sufficient and separate off-street parking facilities.
- e) Accessory Uses and structures to permitted manufacturing uses.

SECTION 6. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article V entitled "Supplementary Regulations", Section 505 entitled "Parking and Truck Loading Requirements", Subsection 505.0 entitled "Off-Street Parking", is hereby amended by adding a new subparagraph, as follows:

505.1 - OFF-STREET PARKING

In all zoning districts, off-street parking facilities shall be provided whenever;

- a) A building is constructed or a new use established.
- b) The use of an existing building or a lot is changed to a use requiring more parking facilities.
- c) An existing building or use is altered so as to increase the amount of parking spaces required.

- d) A Home Occupation is added to an existing residence, the Home Occupation off-street parking requirements pursuant to the provisions of Section 502 shall apply, while no parking spaces shall be required for the existing residential use as normally required pursuant to the provisions of Section 505.2.

SECTION 7. The Fleetwood Borough Zoning Ordinance of 2001, as amended, Article V entitled "Supplementary Regulations" is hereby supplemented by adding a new Section 505.6 entitled "Shared Parking Regulations" to establish regulations for shared parking for uses that cannot otherwise meet the parking requirements of the Zoning Ordinance within the lot lines of the principal use, as follows:

505.6 - SHARED PARKING REGULATIONS

With respect to properties used for existing business or commercial purposes and which are being expanded, notwithstanding anything contained herein to the contrary, any use that cannot meet the parking requirements of this Zoning Ordinance within the lot lines of the principal use may meet the parking requirements of this Zoning Ordinance, as follows:

- a) The applicant, by providing an agreement in writing at intervals determined by Borough Council that the parking spaces are available and secured or the developer shall provide proof of the availability of the required parking spaces which are not needed to meet the requirements of another use which can be used for parking purposes by the applicant; or
- b) If spaces are leased or licensed, Borough Council shall require proof of the leasing or licensing arrangement and use of the spaces to be kept on file. Proof of ongoing leases and use of the spaces shall be submitted to the Borough every year, and renewal of permits shall only be approved if such parking lease or license is renewed; or
- c) If there exist any other circumstances deemed appropriate by Borough Council, in its sole discretion.

In the event that such existing business or commercial properties contain residential apartments or residential uses, such residential apartments or uses shall remain "grandfathered" for purposes of off-street parking.

SECTION 8. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall

not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 9. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 10. Every word in this Ordinance imparting any particular gender may extend and be applied to any and all other genders, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

SECTION 11. This Ordinance shall take effect on the earliest day and date after enactment permitted by law.

ENACTED and ORDAINED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania, on this 9th day of July, 2018.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

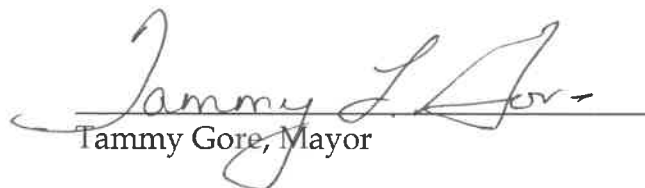
By:


Suzanne P. Touch, Council President

Attest:


Doreen O'Neil, Recording Secretary

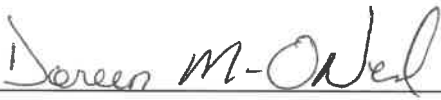
APPROVED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania this 9th day of July, 2018.


Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Doreen O'Neil, Recording Secretary of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 634 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on June 22, 2018 and June 29, 2018 and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on July 9, 2018.

[SEAL]


Doreen O'Neil, Recording Secretary