

ORDINANCE NO. 635

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE FLEETWOOD BOROUGH ZONING ORDINANCE OF 2001, AS AMENDED, BY: (1) AMENDING THE DEFINITION OF HOME OCCUPATION AND ADDING DEFINITIONS FOR LIGHT MANUFACTURING AND NO-IMPACT HOME-BASED BUSINESS; (2) ALLOWING NO-IMPACT HOME-BASED BUSINESS AS A PERMITTED ACCESSORY USE IN R-1 LOW DENSITY RESIDENTIAL, R-2 MEDIUM DENSITY RESIDENTIAL, C-1 GENERAL COMMERCIAL, C-2 COMMERCIAL, AND I-1 INDUSTRIAL ZONING DISTRICTS; (3) ALLOWING HOME OCCUPATIONS AS USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION) IN R-1 LOW DENSITY RESIDENTIAL, R-2 MEDIUM DENSITY RESIDENTIAL, C-1 GENERAL COMMERCIAL, C-2 COMMERCIAL, AND I-1 INDUSTRIAL ZONING DISTRICTS; (4) ALLOWING LIGHT MANUFACTURING AS A PERMITTED USE IN C-1 GENERAL COMMERCIAL, C-2 COMMERCIAL AND I-1 INDUSTRIAL ZONING DISTRICTS; (5) REMOVING HOME OCCUPATION AS A PERMITTED ACCESSORY USE IN R-1 LOW DENSITY RESIDENTIAL AND R-2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS; AND (6) ESTABLISHING CERTAIN PERFORMANCE STANDARDS FOR USES IN R-1 LOW DENSITY RESIDENTIAL, R-2 MEDIUM DENSITY RESIDENTIAL, C-1 GENERAL COMMERCIAL, AND C-2 COMMERCIAL ZONING DISTRICTS.

WHEREAS, on December 10, 2001, Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania enacted Ordinance No. 543 entitled The Fleetwood Borough Zoning Ordinance of 2001; and

WHEREAS, The Fleetwood Borough Zoning Ordinance of 2001 has been amended from time to time, by Ordinance No. 555 dated July 11, 2005, Ordinance No. 569 dated October 13, 2008, Ordinance No. 600 dated October 28, 2013, Ordinance No. 606 dated September 22, 2014, and Ordinance No. 617 dated April 25, 2016; and

WHEREAS, the Borough Council of the Borough of Fleetwood, Berks County, Pennsylvania desires to further amend The Fleetwood Borough Zoning Ordinance of 2001.

NOW THEREFORE, 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. Subsection 201.4 entitled "Specific Terms", of Section 201 entitled "Definitions", of Article II entitled "Definitions", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to revise the definition of Home Occupation and to add new definitions for Light Manufacturing and No-Impact Home-Based Business, as follows:

Home Occupation: A routine, accessory and customary non-residential use conducted within or administered from a portion of a Dwelling or its permitted Accessory Building and that meets all of the Home Occupation requirements of Section 502.

Light Manufacturing. The manufacture, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, serviced by modest volume of trucks or vans and imposing a negligible impact on the surrounding environmental by noise, smoke, dust or pollutants.

No-Impact Home-Based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no impact to surrounding areas with customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference,

including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use of the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

(h) The business may not involve any illegal activity.

SECTION 2. Subsection 401.2 entitled "Permitted Accessory Uses", of Section 401 entitled "R-1 - Low Density Residential", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to remove Home Occupation as a permitted accessory use and to allow No-Impact Home-Based Business as a permitted accessory use, as follows:

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

- a) Private garage 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) No-Impact Home-Based Businesses.
- 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. Subsection 401.3 entitled "Uses Permitted With Zoning Hearing Board Approval (Special Exception)", of Section 401 entitled "R-1 - Low Density Residential", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to add Home Occupations as uses permitted with zoning hearing board approval (Special Exception), as follows:

401.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Accessory uses not located on the same lot as the principal use.

- b) Membership clubs, outdoor recreation facilities, such as private recreation clubs, swim clubs, tennis clubs, and sports clubs in accordance with the provisions of Section 802.6.
- c) Cemeteries.
- d) Fire Stations, Ambulance Facilities and Medical Facilities.
- e) Home Occupations, pursuant to Section 502.

SECTION 4. Section 401 entitled “R-1 - Low Density Residential”, of Article IV entitled “District Regulations”, of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented by adding thereto a new Subsection 401.8 entitled “Performance Standards”, as follows:

SECTION 401.8 PERFORMANCE STANDARDS

Any use in the R-1 - Low Density Residential Zoning District shall be subject to the performance standards as set forth in Section 405.1.c.

SECTION 5. Subsection 402.2 entitled “Permitted Accessory Uses”, of Section 402 entitled “R-2 - Medium Density Residential”, of Article IV entitled “District Regulations”, of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to remove Home Occupation as a permitted accessory use and to allow No-Impact Home-Based Business as a permitted accessory use, 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 Section 504.
- c) No-Impact Home-Based Businesses.
- 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 6. Subsection 402.3 entitled “Uses Permitted with Zoning Hearing Board Approval (Special Exception)”, of Section 402 entitled “R-2 - Medium Density Residential”, of Article IV entitled “District Regulations”, of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to add Home

Occupation as use permitted with zoning hearing board approval (Special Exception), as follows:

402.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Accessory uses not located on the same lot as the principal use.
- b) Conversion of existing dwellings to higher density in accordance with Section 501.13, if the higher density dwelling is not a permitted use in accordance with Section 402.1.
- c) Cemeteries.
- d) Fire Stations, Ambulance Facilities, Medical Facilities and Social Halls.
- e) Home Occupations, pursuant to Section 502.

SECTION 7. Section 402 entitled "R-2 Medium Density Residential", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented by adding thereto a new Subsection 402.8 entitled "Performance Standards", as follows:

SECTION 402.8 PERFORMANCE STANDARDS

Any use in the R-2 – Medium Density Residential Zoning District shall be subject to the performance standards as set forth in Section 405.1.c.

SECTION 8. Subsection 403.1 entitled "Permitted Uses", of Section 403 entitled "C-1 General Commercial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow Light Manufacturing as a permitted use, as follows:

403.1 PERMITTED USES

- a) Retail stores, shops or service establishments for the conducting of any Retail Sales or Retail Service.
- b) Business, professional, or government offices and office buildings.
- c) Municipal Structures.

- d) Structures owned or operated by the Municipality or Authority organized by the Municipality.
- e) Single Family Detached Dwellings and Single Family Semi-Detached Dwellings.
- f) Two-Family Detached Dwellings.
- g) Apartments and Apartments in commercial Structures.
- h) Single-Family Attached / Townhouse Dwellings.
- i) Banks and savings and loan associations.
- j) Restaurants, except Drive-In Restaurants.
- k) Automobile sales and service facilities.
- l) Hotels, theaters and churches.
- m) Light Manufacturing, pursuant to Subsection 405.1.c.

SECTION 9. Subsection 403.2 entitled "Permitted Accessory Uses", of Section 403 entitled "C-1 General Commercial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow No-Impact Home-Based Business as a permitted accessory use, 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 Section 504.
- c) Storage within completely enclosed buildings.
- d) No-Impact Home-Based Businesses.
- e) Other Customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use.

SECTION 10. Subsection 403.3 entitled "Uses Permitted With Zoning Hearing Board Approval (Special Exception)", of Section 403 entitled "C-1 General

Commercial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow Home Occupation as a use permitted with zoning hearing board approval (Special Exception), as follows:

403.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Gasoline service stations, in accordance with the provisions of Section 802.8.
- b) Car washes in accordance with the provisions of Section 802.9.
- c) Wholesale businesses.
- d) Home Occupations, pursuant to Section 502.
- e) Accessory use not located on the same lot with the permitted principal use.

SECTION 11. Section 403 entitled "C-1 General Commercial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented by adding thereto a new Subsection 403.8 entitled "Performance Standards", as follows:

SECTION 403.8 PERFORMANCE STANDARDS

Any use in this C-1 General Commercial Zoning District shall be subject to the performance standards as set forth in Section 405.1.c.

SECTION 12. Subsection 404.1 entitled "Permitted Uses", of Section 404 entitled "C-2 Commercial District", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to allow Light Manufacturing as a permitted use, as follows:

404.1 PERMITTED USES

- a) Retail stores, shops or service establishments for the conducting of any Retail Sales or Retail Service.
- b) Business, professional, or government offices and office buildings.
- c) Municipal Structures.

- d) Structures owned or operated by the Municipality of Authorities organized by the Municipality.
- e) Municipal parking lots.
- f) Banks or savings and loan associations.
- g) Restaurants, Drive-In Restaurants, and private clubs.
- h) Hotels, theaters and churches.
- i) Light Manufacturing, pursuant to Subsection 405.1.c.

SECTION 13. Subsection 404.2 entitled “Permitted Accessory Uses”, of Section 404 entitled “C-2 Commercial District”, of Article IV entitled “District Regulations”, of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to allow No-Impact Home-Based Business as permitted accessory uses, 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 Section 504.
- c) Storage of items accessory to the principal use within completely enclosed buildings (“storage” shall not include self-storage units).
- d) No-Impact Home-Based Businesses.
- e) Other Customary Accessory Uses and Buildings, provided such are clearly incidental to the principal use.

SECTION 14. Section 404 entitled “C-2 Commercial District”, of Article IV entitled “District Regulations”, of The Fleetwood Borough Zoning Ordinance of 2001, is amended and supplemented to add a new Subsection 404.3 entitled “Uses Permitted With Zoning Hearing Board Approval (Special Exception)”, and to renumber the remaining Subsections 404.4 through 404.6, as follows:

404.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Home Occupations, pursuant to Section 502.

- b) Accessory uses not located on the same lot as the principal use.

SECTION 15. Section 404 entitled "C-2 Commercial District", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented by adding thereto a new Subsection 404.7 entitled "Performance Standards", as follows:

SECTION 404.7 PERFORMANCE STANDARDS

Any use in this C-2 Commercial Zoning District shall be subject to the performance standards as set forth in Section 405.1.c.

SECTION 16. Subsection 405.1 entitled "Permitted Uses", of Section 405 entitled "I-1 - Industrial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow Light Manufacturing as a permitted use, as follows:

405.1 PERMITTED USES

- a) Heavy commercial uses, which shall be carried on in a completely enclosed Building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair establishments and dry cleaning and dyeing plants.
- b) Heavy commercial uses which do not require complete enclosure in a Building, including building materials, new and used machinery storage and sales.
- c) Light Manufacturing.
- d) General industrial uses which shall be carried on in a completely enclosed Building and which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity, provided that:
 - 1. Odor – No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.

2. Toxic Gases - No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted outside the lot lines of the tract.
3. Glare and Heat - No visible or objectionable glare and / or heat from any process shall be evident to properties adjoining the operation. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.
4. Liquid Wastes or Sewage - No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous, objectionable elements unless treated so that the insoluble substances - oils, grease, acids, alkalines and other chemicals - are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Pennsylvania Department of Environmental Protection, and the Fleetwood Borough Water and Sewer Authority.
5. Vibration - Vibration perceptible beyond the lot line shall not be permitted.
6. Noise - No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
7. Smoke, Soot, or Dust - The emission of gray smoke at a density greater than No. 2 on a Ringelmann Chart, published by the U.S. Bureau of Mines, shall not be permitted, except gray smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minutes.
8. Electric or Electronic Interference - Electric or electronic devices shall be shielded in such a manner

as not to interfere with radio or television reception or transmission of any kind.

9. All raw materials, fuel, machinery, and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing residential district line or public street.
10. Storage, handling and use of flammable liquids or materials shall comply with the existing Borough and / or State fire protection codes and be readily accessible to firefighting equipment.

SECTION 17. Subsection 405.2 entitled "Permitted Accessory Uses", of Section 405 entitled "I-1 - Industrial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow No-Impact Home-Based Businesses as permitted accessory uses, 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) No-Impact Home-Based Businesses.
- f) Accessory uses and structures to permitted manufacturing uses.

SECTION 18. Subsection 405.3 entitled "Uses Permitted with Zoning Hearing Board Approval (Special Exception)", of Section 405 entitled "I-1 - Industrial", of Article IV entitled "District Regulations", of The Fleetwood Borough Zoning Ordinance of 2001, is hereby amended and supplemented to allow Home Occupations as a use permitted by special exception, as follows:

405.3 USES PERMITTED WITH ZONING HEARING BOARD APPROVAL (SPECIAL EXCEPTION)

- a) Home Occupations, pursuant to Section 502.
- b) Accessory Uses not located on the same lot as the principal use.

SECTION 19. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions of this Ordinance which can be given effect without the invalid or unconstitutional provision or application, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 20. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 21. 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 22. This Ordinance shall take effect on the earliest day and date after enactment permitted by law. There shall be no conditions which would "grandfather" in a business. In the event a business is a current business operating which would be in violation of the definitions above or would require zoning relief, the owner of that business would be granted a period of no more than six (6) months to secure the required zoning relief or cease operation.

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

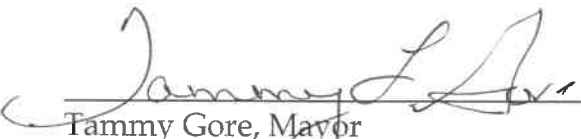
BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

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. 635 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