

PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE PENN TOWNSHIP ZONING ORDINANCE OF 2008 AS AMENDED TO PROVIDE FOR CERTAIN ACCESSORY HOME BASED BUSINESSES TO BE LOCATED ON RESIDENTIAL LOTS, INCLUDING WITHIN BOTH A DWELLING OR ACCESSORY STRUCTURE, IN CERTAIN ZONING DISTRICTS OF THE TOWNSHIP.

WHEREAS, the Board of Supervisors of Penn Township, Berks County, Pennsylvania (the “Township”) enacted a comprehensive Zoning Ordinance on October 27, 2008, as now amended by Ordinances 2009–3, 2012–1, 2017–3, and 2019–1 (the “Zoning Ordinance”); and

WHEREAS, the Township believes that permitting the use of residential properties in certain zoning districts of the Township for accessory home based businesses that involve activities in both residential dwellings or in accessory structures outside the of the dwelling itself should be permitted; and

WHEREAS, the Township believes that defining such activities and establishing appropriate standards for the same are consistent with the health, safety, and welfare of Township residents;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Amendments to Definitions

A) Article II, Section 201 of the Zoning Ordinance shall be amended by including the term “Rural Home Based Business” in alphabetical order with the following definition:

Rural Home Based Business - A lawful occupation carried on within the boundary of a lot on which at least one of the owner(s) of the business resides, and which involves occupational and business activities which are of a greater intensity than a Home Occupation and therefore are not customarily conducted within a dwelling unit. The Rural Home Based Business may be conducted within a dwelling or an accessory structure but shall be clearly incidental and secondary to the principal use of the property for residential purposes, and shall only be deemed a Rural Home Based Business if it meets the performance standards stated in this Ordinance and is consistent with the general residential character of the lot and the surrounding neighborhood. Examples of Rural Home Based Business consistent with this description include but are not limited to wood shops, repair and/or restoration shops for predominantly antique or classic type motor vehicles, antique dealers, sharpening services, blacksmithing, farrier, cabinet or furniture making or restoration, taxidermy, and similar activities. However, notwithstanding anything to the contrary, all of the following activities are expressly excluded from the concept of Rural Home Based Business: kennels, warehousing and storage

businesses, car washes, trash transfer stations, public utilities, telecommunication facilities, convenience stores, gas stations, adult bookstores, self-storage facilities, and uses accessory to any of these excluded uses.

B) Article II, Section 201 of the Zoning Ordinance shall be amended by revising the definition of “Home Occupation” to read as follows:

Home Occupation - An occupation customarily conducted within a dwelling unit. Both professional and non-professional home occupations must meet the home occupation regulations of this Ordinance. Examples of Home Occupation consistent with this description include but are not limited to a beauty shop, accountant, lawyer, massage therapist, architect, art studio, tutor, seamstress, and music lesson teacher.

Section 2. Amendments to A-Agricultural District

A) Section 412.6 entitled “Uses Permitted by Right” is hereby amended to change the section number 613 to read “613A”.

B) Section 413 entitled “Uses permitted by Special Exception” is hereby further amended by adding new subparagraph 13 to read as follows: “13. Rural Home Based Business, subject to Section 613B of this Ordinance.”

Section 3. Amendments to P-Preservation District

A) Section 422.7 entitled “Uses Permitted by Right” is hereby amended to change the section number 613 to read “613A”.

B) Section 423 entitled “Uses permitted by Special Exception” is hereby further amended by adding new subparagraph 5 to read as follows: “5. Rural Home Based Business, subject to Section 613B of this Ordinance.”

Section 4. Amendments to L-Low Density Residential District

A) Section 432.6 entitled “Uses Permitted by Right” is hereby amended to change the section number 613 to read “613A”.

B) Section 433 entitled “Uses permitted by Special Exception” is hereby further amended by adding new subparagraph 10 to read as follows: “10. Rural Home Based Business, subject to Section 613B of this Ordinance.”

Section 5. Amendments to H-High Density Residential District

Section 442.6 entitled “Uses Permitted by Right” is hereby amended to change the section number 613 to read “613A”.

Section 6. Amendments to C-1 Mixed Commercial-Residential District

Section 502.2 entitled “Uses Permitted by Right” is hereby amended to change the section number 613 to read “613A”.

Section 7. Amendments to General Regulations

Article VI entitled “General Regulations” is hereby amended to re-number Section 613 entitled “Home Occupations Regulations” as Section 613A, and is further amended to add a new Section 613B entitled “Rural Home Based Business Regulations” to read as follows:

613B. Rural Home Based Business Regulations

1. Only a resident of the Dwelling may practice the Rural Home Based Business.
2. There shall be no outside storage of any materials, supplies or products of the Rural Home Based Business, including no outdoor parking or storage of any vehicles or equipment that are located on a property for purposes of repair or restoration as part of the Rural Home Based Business.
3. There shall be no outside display of products for sale.
4. All or portions of accessory buildings may be used for the Rural Home Based Business but the amount of total square footage actually used for the Rural Home Based Business shall not exceed the lesser of the total square footage of living space of the dwelling or 3,000 square feet.
5. Any accessory structure used in the Rural Home Based Business shall be located a minimum of fifty feet (50’) from existing dwellings on adjoining properties.
6. If use of the Dwelling itself is utilized in addition to accessory structures, it shall meet the requirements of the Home Occupation Regulations.
7. No more than three persons paid or unpaid shall be employed in the Rural Home Based Business.
8. There shall be no storage of parts, fluids, inventory, or other business-related materials outside of any enclosed structures.
9. All waste, scrap, or other substances used or produced by the Rural Home Based Business shall be disposed of in accordance with all applicable statutory and regulatory requirements.
10. No business involving the Rural Home Based Business may be conducted after 9:00 P.M. or before 7:00 A.M. on any day.
11. Signs shall meet the Home Occupation requirements of this Ordinance.

12. Parking requirements of Section 610 shall be met, and where necessary to shield headlights from shining on dwellings or structures on adjoining properties, a planting screen shall be installed to minimize impact on surrounding properties.

13. Except to the extent (if any) of any conflict with the specific standards of this section, the performance standards of Section 504 shall apply.

Section 8. Amendments to Table of Contents

The Table of Contents of the Zoning Ordinance shall be amended to re-number Section 613 entitled “Home Occupations Regulations” as Section 613A, and to add a new Section 613B immediately thereafter entitled “Rural Home Based Business Regulations.”

Section 9. Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, or part or provision thereof shall be held to be invalid or unconstitutional in any respect by any Court of competent jurisdiction, such decision shall not affect the remaining sections, sentences, clauses, or part or provisions thereof in this Ordinance and the same shall remain in full force and effect. It is hereby declared to be the intent of Penn Township that such Ordinance would have been enacted as if such invalid or unconstitutional section, sentence, clause, part or provision thereof had not been included.

Section 10. Repeals

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 11. Effective Date.

This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of Penn Township, Berks County, Pennsylvania, this 27th day of April, 2020.

**BOARD OF SUPERVISORS OF PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**

Chairman

Vice Chairman

Member

ATTEST:

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2020-02 adopted by the Board of Supervisors of Penn Township, Berks County, Pennsylvania at a public meeting held on April 27, 2020, pursuant to notice and after public hearing as required by law.

Dated: April 27, 2020

Township Secretary