

**ORDINANCE NO. 2004-02**

**AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BETHEL TOWNSHIP ZONING ORDINANCE OF 2000 (ORDINANCE NO. 2000-04 WHICH WAS FURTHER AMENDED BY ORDINANCE NO. 2002-03 AND FURTHER AMENDED BY ORDINANCE NO. 2003-01) BY FURTHER AMENDING ORDINANCE SECTION 308 "DEFINITION OF TERMS" BY AMENDING THE DEFINITION OF "HOME OCCUPATION," AMENDING THE DEFINITION OF "HOME PREMISES BUSINESS" AND AMENDING THE PERFORMANCE STANDARDS OF BOTH OF THESE ACTIVITIES AND ADDING NO-IMPACT HOME BASED BUSINESSES AS A PERMITTED USE.**

The Board of Supervisors of the Township of Bethel, County of Berks, Commonwealth of Pennsylvania, hereby finds and determines that:

**Premises**

1. On December 18, 2000, the Board of Supervisors enacted Ordinance 2000-04, the Bethel Township Zoning Ordinance of 2000 (hereinafter Ordinance 2000-04).
2. Ordinance 2000-04 repealed all prior Zoning Ordinances enacted by the Township and rescinded all prior Zoning Permits and Zoning Hearing Board Decisions issued pursuant to the repealed Zoning Ordinances.
3. Ordinance 2000-04 eliminated prior zoning districts, created new zoning districts, and changed the zoning classification of a majority of the properties in the Township.
4. On October 21, 2002, Ordinance 2000-04 was amended by Ordinance 2002-03.
5. On June 16, 2003, Ordinance 2000-04 was further amended by Ordinance 2003-01.
6. The Board of Supervisors has determined that the Bethel Township Zoning Ordinance of 2000, as amended should be further amended to specify that certain commercial and industrial activities should be excluded from the concept of "Home Occupation" and "Home Premises Business" and at the performance standards of Sections 1039 and 1040 should be further amended, and No-Impact Home Based Businesses should be added.

NOW THEREFORE, in consideration of the above recitals which are incorporated herein by reference, the Board of Supervisors of the Township of Bethel, County of Berks, Commonwealth of Pennsylvania therefore enacts and ordains the following:

**Section 1. Amendment to Definition of Terms**

- (a) Section 308 – Definition of Terms – of the Bethel Township Zoning Ordinance of 2000, as amended, is hereby further amended by amending the definition of "Home Occupation" by adding an additional sentence to the existing

definition as follows: "All of the following Industrial-Commercial uses are expressly excluded from the concept and definition of Home Occupation: sales and/or repairs of automobiles, trucks, boats, travel trailer, and recreational vehicles; car wash; terminal, storage, or transfer facilities for trucking or railroad operations; wholesaling, distribution, warehousing and storage businesses; public utility; telecommunication facility; automobile filling station; junkyard; adult bookstore; adult motion picture theatre; cabaret; mini-warehouse; sanitary landfill; hazardous waste facility; methadone treatment facility; bulk water extraction; mineral extraction; and accessory uses and buildings to the above excluded uses."

(b) Section 308 – Definition of Terms – of the Bethel Township Zoning Ordinance of 2000, as amended, is hereby further amended by amending the definition of: "Home Premises Business" by adding an additional sentence to the existing definition as follows: "All of the following Industrial-Commercial uses are expressly excluded from the concept and definition of Home Occupation: sales and/or repairs of automobiles, trucks, boats, travel trailer, and recreational vehicles; car wash; transfer facilities for trucking or railroad operations; wholesaling, distribution, warehousing and storage businesses; public utility; telecommunication facility; automobile filling station; junkyard; adult bookstore; adult motion picture theatre; cabaret; mini-warehouse; sanitary landfill; hazardous waste facility; methadone treatment facility; bulk water extraction; mineral extraction; and accessory uses and buildings to the above excluded uses."

(c) Section 308 – Definition of Terms – of the Bethel Township Zoning Ordinance of 2000 as amended is hereby further amended by adding the following definition in alphabetical order: "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 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: (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses; (2) The business shall employ no employees other than family members residing in the dwelling; (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature; (4) There shall be no outside appearance of a business use, including but not limited to, parking signs, or lights."

## **Section 2. Amendment of Performance Standards**

(a) Section 1039.09 under Home Occupation shall be amended by replacing the existing language with the following: "No tractor-trailer, combination truck and/or trailer and/or straight-truck with a total length in excess of twenty five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Occupation."

(b) Section 1040 – Home Premises Business shall be amended by adding new Section 1040.08 which shall read as follows: "No tractor-trailer, combination truck and/or trailer and/or straight-truck with a length in excess of twenty

five and a half (25.5) feet shall make deliveries to or accept shipments from the Home Premises Business, except that trucks exceeding the length limitation may occasionally make deliveries to or shipments from the Home Premises Business so long as the frequency shall not under any circumstances exceed more than 3 times in any 7 day period.”

### **Section 3. Amendment of Use Provisions**

(a) Section 520 under V- Village District shall be amended by adding new Section 520.19 as follows: “520.19 No-impact Home Based Business as defined in Section 308”.

(b) Section 620 under AP Agricultural Preservation shall be amended by adding new Section 620.10 as follows: “620.10 No-impact Home Based Business as defined in Section 308”.

(c) Section 720 under IC – Industrial-Commercial District shall be amended by adding new Section 720.31 as follows: “720.31 No-impact Home Based Business as defined in Section 308”.

(d) Section 820 under EP – Environmental Protection Districts shall be amended by adding new Section 830.11 as follows: “830.11 No-impact Home Based Business as defined in Section 308”.

### **Section 4. Enforcement**

This Ordinance shall be enforced pursuant to the provisions of the Bethel Township Zoning Ordinance of 2000, as amended and the Pennsylvania Municipalities Planning Code, as reenacted and amended from time to time.

### **Section 5. Ratification and Repeals**

All Ordinances or parts of Ordinances that are inconsistent with the Provisions of this Ordinance are hereby repealed, but except as expressly modified herein, the Bethel Township Zoning Ordinance of 2000, as amended, is hereby ratified and confirmed and shall remain in full force and effect.

### **Section 6. Severability**


If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the intent of the Board of Supervisors that this Ordinance would have been adopted if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

### **Section 7. Effective Date**

This Ordinance shall be effective five (5) days after its' adopted.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Bethel, County of Berks, Pennsylvania, in lawful session duly assembled, this 28 day of June, 2004.

BETHEL TOWNSHIP BOARD OF SUPERVISORS

By:   
Randall Haag, Chairman

Steven Henning Abstained  
Steven Henning, Supervisor

  
Kenneth Norton, Supervisor

Attest:

  
Jayne Seifrit, Secretary

**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2004-02 which was adopted by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania at a public meeting held on June 28, 2004 pursuant to notice as required by law.

Date June 28, 2004

  
Township Secretary

