

**COPY**

ORDINANCE NO. 294

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA TO AMEND THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007, AS AMENDED, TO REPEAL AND REPLACE SECTION 623, ENTITLED "HOME OCCUPATION REGULATIONS" AND SECTION 640, ENTITLED "NO IMPACT HOME-BASED BUSINESS" TO FURTHER PROVIDE FOR AND REGULATE NO-IMPACT, MINOR AND MAJOR HOME OCCUPATIONS; AND TO AMEND SECTION 300 OF THE ZONING ORDINANCE TO FURTHER PROVIDE DEFINITIONS.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF CAERNARVON TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

**SECTION 1. SECTION 623, ENTITLED "HOME OCCUPATION REGULATIONS" AND SECTION 640, ENTITLED "NO IMPACT HOME-BASED BUSINESS" ARE REPEALED IN THEIR ENTIRETY.**

**SECTION 2. A NEW SECTION 623, ENTITLED "HOME OCCUPATION REGULATIONS" IS HEREBY ESTABLISHED AS FOLLOWS.**

**Section 623. Home Occupation Regulations.**

Upon application to the Zoning Officer, a use and occupancy permit shall be issued for one of the following three uses identified herein, subject to the applicant demonstrating compliance with the applicable standards identified herein.

**A. No-Impact Home-Based Business**

A No-Impact Home-Based Business shall be permitted in all zoning districts of the Township as a use permitted by right, except that said use shall not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

**B. Minor Home Occupation**

A Minor Home Occupation shall be permitted by right in all zoning districts, subject to the following standards:

- (1) The Minor Home Occupation shall be established in the Dwelling Unit or an accessory building located on the property or a combination of the two using the total square footage not to exceed the size restrictions for a Minor Home

Occupation.

- (2) A Minor Home Occupation shall occupy no more than 40 % of the total floor area of a dwelling unit, or 1,000 square feet of floor area, whichever is less.
- (3) The Business Owner can employ one person that does not live at the property location. Customers of the Minor Home Occupation shall be limited to the number of parking spaces afforded by the impervious surfaces at the location.

**C. Major Home Occupation**

A Major Home Occupation shall be permitted by right in the R-1, R-2 and R-3 Zoning districts subject to the standards set forth in this Section C and Section D, below. In the R-4, R-5 & R-6 Zoning Districts, a Major Home Occupation shall be permitted by special exception only.

- (1) A Major Home Occupation shall be established on a lot having a minimum gross size of 2.5 acres.
- (2) The Major Home Occupation may be established in the Principal Building or an Accessory Building located on the lot.
- (3) There shall be direct access from the property to a Collector Street or a Major Street (as defined in the Subdivision and Land Development Ordinance).
- (4) A Major Home Occupation shall occupy no more than 49% of the total floor area of the Buildings being used or 2,500 square feet of floor area total, whichever is less.
- (5) A Major Home Occupation Owner may employ two (2) people that are not residents of the property. The number of customers of the Major Home Occupation will be limited to the available parking at the location.

**D. Standards applicable to both Minor Home Occupations and Major Home Occupations.**

- (1) The principal practitioner of the home occupation must be the title owner and a resident of the dwelling unit located on the lot.
- (2) Permitted home occupations shall be clearly incidental and secondary to the principal residential use on the parcel.
- (3) The exterior of the Principal Building (and Accessory Building) shall have an appearance which is essentially no different than if there were no home occupation inside. No alterations of the exterior shall be permitted except those customarily found in residential dwellings or agricultural buildings.
- (4) There shall be no sale, nor storage for sale, of chemicals or biological agents on the lot.
- (5) Any home occupation shall remain an accessory use to the principal residential use and shall be carried on within the residential dwelling unit (or an Accessory Building in the case of a Major Home Occupation).
- (7) 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 greater than what was normal for the residential use of the property, as measured or determined at the

- property line.
- (8) No storage or display of goods, materials, products, or equipment shall take place out of doors, unless the storage or display is screened around the perimeter of the property by natural landscaping, buffer strips or artificial fencing in accordance with Section 609 of the Zoning Ordinance and all other applicable Township Ordinances. No interior display (for sale or product demonstration) of goods, materials, products or equipment shall be visible from outside of the dwelling (or Accessory Building in the case of a Major Home Occupation). Indoor storage of goods, materials, products or equipment shall be encouraged, with any accessory structures associated with the same being subject to the requirements of Zoning Ordinance Section 607 (Commercial and Industrial Accessory Uses).
  - (9) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
  - (10) There shall be no more than one sign, non-illuminated, and no larger than eight square feet in the aggregate area identifying the name and occupation of the practitioner. The area of any sign on a vehicle or structure which is regularly visible from the street shall be included in calculating compliance. The sign shall not interfere with the sight of motorists.
  - (11) On-street parking for non-resident employees of a home occupation shall not be permitted. Off-street parking for home occupations shall be provided pursuant to Zoning Ordinance Section 613 (with off-street parking spaces being required for on-site home occupation employees).
  - (12) No repetitive servicing by trucks for supplies and material shall be permitted. "Repetitive" shall mean more than once per week.
  - (13) Deliveries and customers shall not be received between the hours of 9 p.m. and 8 a.m.
  - (14) The following uses shall be prohibited in all Home Occupations because the Board of Supervisors deems them to be inconsistent with the character of a residential neighborhood:
    - (a) Junk Yard
    - (b) Adult Entertainment Business
    - (c) Construction staging
    - (d) Funeral Home
    - (e) The housing, care or education of persons who normally would be subject to institutionalization for mental, criminal or like reasons.
    - (f) Any illegal activity is prohibited.

#### **E. Special Exceptions**

Any proposed Home Occupation (Major or Minor) that does not satisfy any of the foregoing standards may be permitted by special exception, and consistent with the standards set forth in Section 804.3 and Section 805 of the Zoning Ordinance governing special exceptions, and subject to a determination by the Zoning Hearing Board that the proposed use will not adversely affect the public health, safety and welfare. The Zoning Hearing Board shall be authorized to impose reasonable conditions on the proposed use to protect the public health,

safety and welfare.

**SECTION 3. A NEW SECTION 640, ENTITLED "NO-IMPACT HOME-BASED BUSINESS" IS HEREBY ESTABLISHED AS FOLLOWS.**

**Section 640. NO-IMPACT HOME BASED BUSINESS**

A No-Impact Home Based Business shall be permitted in accordance with Section 623 of this Ordinance.

**SECTION 4. ARTICLE III OF THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 IS AMENDED TO PROVIDE FURTHER DEFINITIONS AS FOLLOWS:**

**Section 300. Definitions**

The existing definition of the term of "Home Occupation" shall be repealed and replaced in its entirety as follows:

**HOME OCCUPATION, MAJOR**

A use that is conducted as an accessory use which is clearly secondary to the use as a residential dwelling, but that does not meet the criteria for a No-Impact Home Occupation or Minor Home Occupation.

**HOME OCCUPATION, MINOR**

A use that is conducted as an accessory use which is clearly secondary to the use as a residential dwelling, but that does not meet the criteria for a No-Impact Home Occupation.

**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.

- (5) 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.
- (6) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

All other terms defined in Section 300 shall remain unchanged.

#### **SECTION 5. SEVERABILITY**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The Board of Supervisors hereby declares that it would have adopted the Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereto irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

#### **SECTION 6. REPEALER**

All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

#### **SECTION 7. RENUMBERING**

The location and numerical designation of these above-referenced Sections shall be delegated to the discretion of the General Code Publishers who may renumber or reorder these revised sections as is necessary.


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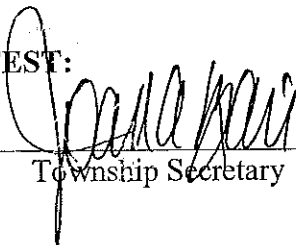
**SECTION 8. EFFECTIVE DATE**

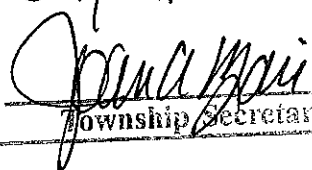
This Ordinance shall become effective five (5) days from the date of enactment, and shall be codified into the Caernarvon Township Code of Ordinances.

**ORDAINED** and **ENACTED** by the Supervisors of the Caernarvon Township in lawful session duly assembled this 24<sup>th</sup> day of July, 2018.

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

By:   
Allen Styer, III, Chairman

**ATTEST:**  
By:   
Township Secretary

This a true and correct copy of  
Ordinance # 294 that was  
adopted by the Caernarvon  
Township Board of Supervisors on  
July 24, 2018  
  
Township Secretary