

ORDINANCE NO. 617

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE FLEETWOOD BOROUGH ZONING ORDINANCE OF 2001, AS AMENDED, BY: (1) AMENDING 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", TO INCLUDE COMMUNICATIONS TOWERS AND ANTENNAE PURSUANT TO SECTION 501.12 AND ACCESSORY USES NOT LOCATED ON THE SAME LOT AS PRINCIPAL LOT; AND (2) SUPPLEMENTING ARTICLE V ENTITLED "SUPPLEMENTARY REGULATIONS", BY ADDING A NEW SECTION 507 ENTITLED "OTHER DWELLING TYPES OR LAND USES", ESTABLISHING REGULATIONS FOR OTHER DWELLING TYPES OR USES NOT SPECIFICALLY OR ADEQUATELY IDENTIFIED WITHIN THE ORDINANCE

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; and Ordinance No. 606 dated September 22, 2014;

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 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 amended and restated in its entirety, as follows:

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

- a) Communications Towers and Antennae pursuant to Section 501.12.
- b) Accessory uses not located on the same lot as the principal lot."

SECTION 2. Article V entitled "Supplementary Regulations", of The Fleetwood Borough Zoning Ordinance of 2001 is supplemented by adding thereto the following new Section 507, entitled "Other Dwelling Types or Land Uses".

SECTION 507 - OTHER DWELLING TYPES OR LAND USES.

507.1 Other dwelling types or uses, not specifically or adequately identified within this Article or Ordinance, may evolve after the enactment of this Ordinance or were not uses commonly in use at the time of the enactment of The Fleetwood Borough Zoning Ordinance of 2001. From time to time, however, such dwelling types or land uses may become reasonable or appropriate. It is the purpose of this Article and Ordinance to provide for all reasonable and appropriate uses and it is the purpose of this Section to establish a mechanism for inclusion of such additional dwelling types or uses within the Borough. Therefore, the following provisions shall apply:

a) The landowner shall submit a request for inclusion of a specific dwelling type or use to the Borough Council and the Borough Planning Commission with illustrations and explanatory information which fully describe the dwelling type or use and the manner in which the proposed dwelling type or use substantially differs from the permitted uses in this Article or Ordinance.

b) The Borough Planning Commission shall review the submission and advise the Borough Council. The Borough Planning Commission shall determine if the proposed dwelling or use falls within any of the permitted use classifications of this Article or Ordinance, is a variation of a permitted use, or is an exotic use which is not reasonable or appropriate.

c) All proposed dwelling types and uses which are not accounted for in this Article or Ordinance shall be considered by Borough Council and the Borough Planning Commission as an application for a conditional use as set forth under this Ordinance.

d) It is the intent of this Article that reasonable and appropriate dwelling types or uses be permitted in the zoning district in which it is most suited. The purpose and intent of each zoning district is described within this Ordinance. All proposed dwelling types or uses shall be consistent with such purpose and intent.

e) Such reasonable and appropriate dwelling types or uses shall be permitted in the zoning district(s) for which it is most suited subject to the dimensional requirements and other requirements set forth by the Borough Council. All applications which are not reasonable or appropriate for the zoning district in which it is proposed may be rejected by the Borough Council.

f) If required by the Borough Council, a land development plan shall be submitted to the Borough Planning Commission and Borough Council.

SECTION 3. 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 4. All Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 5. 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.

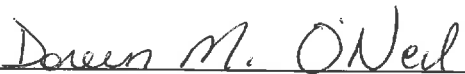
SECTION 6. This Ordinance shall take effect on the earliest day and date after enactment permitted by law.

ENACTED and ORDAINED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania, on this 25th day of April, 2016.


BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

By: 
Suzanne P. Touch, Council President

Attest:


(Assistant) Secretary

APPROVED as an Ordinance of the Borough of Fleetwood, Berks County, Pennsylvania this 25th day of April, 2016


Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Doreen M. O'Neil, (Assistant) Secretary, of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 617 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on April 8, 2016 and April 15, 2016, and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on April 25, 2016.

[SEAL]

Doreen M. O'Neil
(Assistant) Secretary