

ORDINANCE NO. 202

**BOROUGH OF AVONDALE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF AVONDALE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXVI OF THE AVONDALE BOROUGH CODE, I.E. ORDINANCE NO. 172, THE "AVONDALE BOROUGH ZONING ORDINANCE" TO PERMIT NO-IMPACT HOME-BASED BUSINESSES IN ALL RESIDENTIAL DISTRICTS WITHIN THE BOROUGH.

BE IT ENACTED AND ORDAINED by the Avondale Borough Council, and it is hereby enacted and ordained by authority of the same that Chapter XXVI of the Avondale Borough Code, i.e. Ordinance No. 172 (the "Avondale Borough Zoning Ordinance") as previously amended is hereby further amended as follows:

§1.01. PART 2 "DEFINITIONS", SECTION 2.2 ("SPECIFIC DEFINITIONS") is hereby amended by adding the following definition in the appropriate alphabetical position:

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:

- 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 in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

§2.01 The provisions of §4.2.A. ("Uses Permitted by Right") of §4.2. ("Use Regulations") of Part 4 ("R-1 Residence District") of Ordinance No. 172 are hereby amended by the addition of the following:

- 6. No-Impact Home-Based Business.

§3.01 The provisions of §5.2.A. ("Uses Permitted by Right") of §5.2. ("Use Regulations") of Part 5 ("R-2 Residence District") of Ordinance No. 172 are hereby amended by the addition of the following:

- 8. No-Impact Home-Based Business.

§4.01 The provisions of **§6.2.A. ("Uses Permitted by Right")** of **§6.2 ("Use Regulations")** of **Part 6 ("FD - Flexible Use District")** of Ordinance No. 172 are hereby amended by the addition of the following:

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

§5.01 Except as amended by this Ordinance, the Avondale Borough Zoning Ordinance, i.e. Zoning Ordinance No. 172 (Chapter XXVI of the Avondale Borough Code), as previously amended, shall remain in full force and effect.

§6.01 **Invalidity.**

If any section or provision of this amendatory Ordinance is declared by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this amendatory Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of the amendatory Ordinance other than the one so declared to be unconstitutional, illegal or invalid; further, if this amendatory Ordinance (or any section thereof) is declared by a court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any provision of Ordinance No. 172 or any subsequent Ordinance amending Ordinance No. 172 enacted prior to the adoption of this amendatory

Ordinance. It is hereby declared to be the intent of the Borough of Avondale that, in the event this amendatory Ordinance (or any section thereof) is declared to be unconstitutional, illegal or invalid, this amendatory Ordinance is intended to be severable from Ordinance No. 172, or any subsequent amendatory Ordinances and, further, the Borough of Avondale would have continued Ordinance No. 172 in its entirety, as amended except for this amendment, in full force and effect as enacted prior to the adoption of this amendatory Ordinance.

§7.01. Effective Date.

- This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Council of the Borough of Avondale at a Public Meeting held this 15th day of April, 2003.

ATTEST:

AVONDALE BOROUGH COUNCIL

Becky Brownback
BECKY BROWNBACK, Secretary
Avondale Borough

By: Robert N. McCue
ROBERT N. McCUE, President

APPROVED THIS 15 DAY OF April, 2003.

By: Doris E. Howell
DORIS E. HOWELL, Mayor