

ORDINANCE NO. 450

**BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF PARKESBURG,
CHESTER COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 323, THE “ZONING ORDINANCE OF
PARKESBURG BOROUGH” TO PERMIT NO-IMPACT
HOME-BASED BUSINESSES IN ALL RESIDENTIAL
DISTRICTS WITHIN THE BOROUGH.**

BE IT ENACTED AND ORDAINED by authority of the Parkesburg Borough Council, and it is hereby enacted and ordained by authority of the same that Ordinance No. 323 (the “Zoning Ordinance of Parkesburg Borough”) as previously amended is hereby further amended as follows;

SECTION 101.

Section 302 (“Definitions”) of Article 300 (“Interpretations and Definitions”) is hereby amended by adding the following definition:

28.A. 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 of 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 no 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 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.

SECTION 201.

Section 402.1.A. ("Uses by Right") of Section 402. ("R-1 Residential District") of Article 400 ("Residential Districts") of Ordinance No. 323 is hereby amended by the addition of the following:

- 5) No-Impact Home-Based Business.

SECTION 301.

Section 405.2.A. (“Uses by Right”) of Section 405 (“R-A Residence-Apartment District”) of Article 400 (“Residential Districts”) of Ordinance No. 323 is hereby amended by the addition of the following:

- 2) No-Impact Home Based Business.

SECTION 401.

Except as amended by this Ordinance, the Zoning Ordinance of Parkesburg Borough, i.e., Ordinance No. 323, as previously amended, shall remain in full force and effect.

SECTION 501.

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 in validity 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. 323 or any subsequent Ordinance amending Ordinance No. 323 enacted prior to the adoption of this amendatory Ordinance. It is hereby declared to be the intent of the Borough of Parkesburg, 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. 323, or any subsequent amendatory Ordinances and, further, the Borough of Parkesburg would have continued Ordinance No. 323 in its entirety, as amended except for this amendment, in full force and effect as enacted prior to the adoption of this amendatory Ordinance.

SECTION 601.

Effective Date.

This Ordinance shall become effective the first day permitted by the law of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED, by the Council of the Borough of Parkesburg at a Public Meeting held this 12th day of May, 2003.

ATTEST:

PARKESBURG BOROUGH COUNCIL

WENDY A. KEEGAN, Secretary

JAMES B. NORTON, III, President

APPROVED THIS 12TH DAY OF MAY, 2003.

JOHN P. HAGAN, III, Mayor