

ORDINANCE NO. 07-10-3

**MARLBOROUGH TOWNSHIP**  
**Montgomery County, Pennsylvania**

An Ordinance amending the Marlborough Township Zoning Ordinance to repeal Article VIII, Section 819 [Home Occupation] and replace it with a new Section 819 providing general standards for home occupations and specific types of home occupations.

**WHEREAS**, the Board of Supervisors ("Board") of the Township of Marlborough is desirous of amending its Zoning Ordinance to ensure the continued protection of the health, safety, and welfare of the Township; and

**WHEREAS**, the Board wishes to amend its Ordinance by repealing Article VIII, Section 819 [Home Occupation] and replacing it with a new Section 819 providing for general standards for home occupations and specific types of home occupations.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Board that the Zoning Ordinance be amended as follows:

**SECTION 1.** Article VIII, Section 819 [Home Occupation] shall be repealed and replaced with a new Section 819, which shall read as follows:

**Section 819. Home Occupation**

Home occupation uses shall meet both the general standards and the specific standards of the various categories herein.

- A. General Standards: The following shall apply to all home occupations listed below:
1. A home occupation must be conducted within a residential dwelling, which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
  2. The home occupation and its associated structures shall conform to all applicable dimensional standards for the zoning district.
  3. Home occupations shall be conducted entirely within the residence and associated structures. The area used for the home occupation shall not exceed 25 percent of the gross floor area of the residence.
  4. The home occupation shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area. Home occupations shall not be conducted in such a manner as to produce noise, dust, vibration, glare, smoke or smell, electrical interference, fire hazard, traffic, or any other nuisance not typically experienced in the zoning district where the property is located.

5. No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way significantly increase the fire danger to neighboring structures or residences.
6. Signs shall conform to the provisions of Article X of this Ordinance.
7. No outside storage of material, goods, supplies, equipment, or refuse related to the operation of the home occupation shall be allowed. All storage shall take place within a walled structure.
8. Any need for parking generated by the home occupation shall be met off-street and be located to the side or rear of the structure in accordance with Article IX of this Ordinance except as specified for a particular home occupation. All parking areas in excess of three spaces must be screened.
9. No more than one home occupation per residence shall be allowed.
10. Home occupation shall not include the following: animal hospitals, commercial stables and kennels, funeral parlors or undertaking establishments, antique shops, tourist home, restaurants, and rooming/boarding/lodging houses.

B. The following shall apply to specific types of home occupations.

1. Professional Offices:

Professional offices include but are not limited to the following: accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, or Realtor. *Non-Impact Home-Based Businesses*, which involve no customer, client or patient traffic, shall not be included in this definition.

A professional office home occupation is a permitted accessory use, providing that the home occupation complies with the following conditions and a zoning permit is obtained.

- a. Professional offices are permitted as an accessory use where the primary use is a single-family detached dwelling.
- b. No more than two persons, other than members of the immediate family, may be employed.
- c. In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, a professional office shall provide one off-street parking space for each 200 square feet of office space. A maximum of six off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

2. Personal Services

A business, which provides a service oriented to personal needs, and not primarily involving retail sales of goods or professional advisory services. Includes barber, beauty salon, bakery, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair, or similar service uses.

- a. Personal services are permitted as an accessory use where the primary use is a single-family detached dwelling.
- b. Beauty parlors and barbershops may be permitted provided that no more than two patrons can be served at one time.
- c. No more than one person, other than members of the immediate family, may be employed.
- d. In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a personal service shall provide one off-street parking space for each employee, plus one additional space for each 200 square feet of gross floor area or portion thereof used for the home occupation. A maximum of six (6) off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

### 3. Instructional Services

An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The conduct of this home occupation should not require a room or series of rooms specifically designed for that purpose, except that soundproofing is permitted in cases of musical instruments or singing instruction.

- a. Instructional services involving musical instruments or singing are permitted in any type of residence providing the room used for instruction is sound proofed and only one student at a time is instructed; if there is no sound proofing of a room then the service is permitted in a single-family detached residence only. Any instructional service involving more than one student at a time is permitted in a single-family detached dwelling only. Instructional services involving only one student at a time and no musical instruments are permitted in any dwelling type.
- b. No more than one person, other than members of the immediate family, may be employed.
- c. In addition to the off-street parking spaces required in this Chapter for the particular residential use concerned, an instructional service shall provide one off-street parking space per two students being instructed at any one time. A maximum of four off-street parking spaces are permitted on one lot inclusive of residential parking.

#### 4. Home Crafts

Home crafts are businesses where the commodity is crafted, fabricated, or assembled by the resident craftsman. Home crafts include: artist, sculptor, model maker, rug weaver, lapidary work, cabinetmaker, furniture making, pottery, ceramics, and other similar professions.

- a. Home crafts are permitted only in single-family detached dwellings.
- b. No more than one person, other than members of the immediate family, may be employed.
- c. Home crafts shall not include the following: machine shop, auto body repair, auto servicing, or other similar uses. In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a Home Craft shall provide one off-street space per each 300 square feet of gross floor area or portion thereof used for the home occupation. A maximum of five off-street parking spaces are permitted on one lot inclusive of the required residential parking.

#### 5. Family Day Care Home

A family day care home use is any premise other than the child's home, operated for profit or not for profit, in which child day care is provided at any one time to 4, 5, or 6 children, who are not relatives of the caregiver.

- a. The applicant must obtain all necessary county, state, and federal licenses for the use prior to the granting of a permit by the Zoning Officer.
- b. A use shall be conducted in a building designed for residential occupancy and for the safety and well being of the occupants.
- c. All family day care facilities, which provide care for children over the age of 1 year, shall provide an outdoor play area of 100 square feet per child (over 1 year of age). Under no circumstances should this area be less than 300 square feet. This area shall not include any impervious surface or parking area. The outdoor play area shall be located to the side or rear of the property.
- d. Family day care use is only permitted as an accessory use to single-family attached and detached use.
- e. If a family day care use is located adjacent to a non-residential use, a parking lot, or on a street classification higher than a residential access street, the outdoor play area must be enclosed by an unclimbable fence, which is deemed appropriate by the Township. The outdoor play area shall be located to the side or rear of the property.
- f. No more than one person, other than members of the immediate family, may be employed.

- g. Parking standards—In addition to the off-street parking required for the residential use, at least one additional off-street parking space is required for each employee.

#### 6. Trade Business

The use of a single-family residence as a base of operation for the trade but no phase of the trade is conducted on the property. Trades included in this home occupation are: electrician, plumber, carpenter, mason, painter, roofer and similar occupations.

- a. Trade businesses are permitted as an accessory use where the primary use is a single-family detached or attached dwelling.
- b. No more than one person, other than members of the immediate family, may be employed.
- c. A maximum of three business vehicles may be parked on the property. These vehicles shall be parked to the side or rear of the dwelling unit.
- d. The area of the office, storage of materials and equipment (excluding vehicles) shall not exceed the limitations of Section 819A.3 above. All materials and equipment shall be stored in a structure.
- e. No assembling, manufacturing, processing, or sales shall be conducted on the property.
- f. In addition to the off-street parking spaces required for the residential use, a trade business shall provide one off-street parking space for each employee.

#### 7. Repair Services

A repair service for appliances, televisions, radios, lawn mowers, watches, bicycles, locks, small business machines, cameras, and other similar services.

- a. No more than one person, other than members of the immediate family, may be employed.
- b. All repair work shall be conducted within a building.
- c. In addition to the parking required for the residential dwelling unit, one off-street parking space per 300 square feet of gross floor area shall be provided for this use.

**SECTION 2. Repeal and Ratification.** All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township of Marlborough that are unaffected by this Ordinance are hereby reaffirmed and ratified.

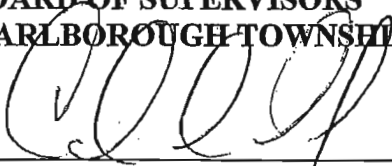
**SECTION 3. Severability.** Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

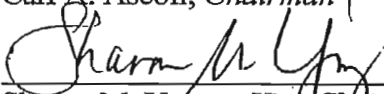
**SECTION 4. Effective Date.** This Ordinance shall become effective immediately upon enactment.

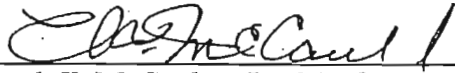
**ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Marlborough this 24th day of October, 2007.



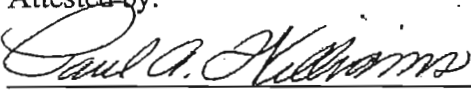
**BOARD OF SUPERVISORS  
MARLBOROUGH TOWNSHIP**

  
\_\_\_\_\_  
Carl A. Ascoli, *Chairman*

  
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Sharon M. Young, *Vice Chairman*

  
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Frank T. McCauley, Jr., *Member*

Attested by:

  
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Paul A. Williams, *Secretary*