

PART 5**SUPPLEMENTAL REGULATIONS****§27-501. General Purpose and Applicability of This Part.**

There are sets of regulations in this Chapter that apply to land uses, lots and/or structures that can be located in several of Philipsburg's zoning districts. Some of these regulations are given just once in this Part. This is a simpler and shorter way of providing these regulations than repeating them once in each applicable zoning district's provisions (zoning district provisions constitute Part 2). Thus, each Section of this Part is applicable to a particular land use, lot or structure in a particular zoning district only if Part 2 says so.

(Ord. 984, 6/14/1999, Art. V, §500)

§27-502. Home Occupations.

1. Purposes, Organization and Applicability of this Section. A home occupation is defined as a business that is conducted entirely within a dwelling unit, entirely by the members of the household residing in that unit and in a manner that is clearly incidental, accessory and subordinate to the unit's primary residential use. Most modern zoning ordinances regulate home occupations because of the deleterious effects that these businesses can have on their neighborhoods. A home occupation can congest its neighborhood's parking spaces and streets, generate intrusive amounts of noise, vibration, glare, electrical interference, odors and radio/television signal disruption, draw large trucks for delivery purposes, erect a disturbing number of signs, utilize unsightly outdoor storage areas and generally change the character of its neighborhood from residential to commercial. Many zoning ordinances attempt to minimize such damaging effects by designating all home occupations as special exceptions and requiring each to procure the approval of the Zoning Hearing Board which is to reject any such business that will adversely affect its neighborhood.
 - A. However, more and more home occupations are being created that have little or no deleterious effects on their neighborhoods. Many professionals now "telecommute" from home, draw no extra parking or traffic activity, generate no noise or other interference and have no signs. While home occupations that could have a significant effect on their neighborhoods clearly should still lie under the Zoning Hearing Board's jurisdiction, those that have little or no such effects should be excused from the paperwork, time and expense involved in a special exception application.
 - B. This Chapter attempts to establish such a system by dividing home occupations into two categories: minor impact home occupations (which will have little or no effect on their neighborhoods) and major impact home occupa-

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tions (which may have some effects on their neighborhoods). The Zoning Officer shall determine which of these categories a particular home occupation falls into according to the standards of subsection (2) below. If a particular home occupation is determined to be a minor impact home occupation according to these standards, then it may be established without any further approvals. However, if it is determined to be a major impact home occupation, then subsection (3) below requires that it must be approved by the Zoning Hearing Board as a special exception according to the rules of Part 3, "Special Exceptions and Conditional Uses." This Section applies to all home occupations within the Borough of Philipsburg, regardless of the zoning district in which they are located.

2. Distinguishing Minor Impact Home Occupations from Major Impact Home Occupations.
 - A. Any person who wishes to establish a home occupation within the Borough shall file an application for a home occupation with the Zoning Officer on a form supplied by the Borough. This application shall not be considered complete unless enough information is included on the form to enable the Zoning Officer to determine whether the proposed home occupation is a minor impact home occupation or a major impact home occupation according to the standards below.
 - B. After a complete application has been filed, the Zoning Officer shall have 15 days to determine the status of the proposed home occupation. When the Zoning Officer fails to make this determination within 15 days, then the proposed home occupation shall automatically be classified as a minor impact home occupation.
 - C. The Zoning Officer shall determine that a proposed home occupation would be a major impact home occupation unless it meets the standards below in which case it shall be classified as a minor impact home occupation and may be established without any further approvals.
 - (1) A minor impact home occupation shall receive and ship any goods, chattels, materials, supplies, or items of any kind exclusively in either a passenger vehicle that is owned by the resident and that makes no more than one such delivery trip per day or a parcel courier vehicle that stops at the dwelling unit no more than once per day.
 - (2) It shall use no equipment or appliances other than those that are customarily used in common residences or offices.
 - (3) If it is a tutoring or teaching service, then no more than four students shall be tutored or taught at the involved dwelling at any one moment.

- (4) A minor impact home occupation shall place no sign or other evidence of that occupation on the exterior of its building.
 - (5) A minor impact home occupation shall conduct no retail sales directly to customers on the premises unless it is over the mail, telephone or Internet.
 - (6) A minor impact home occupation shall use no more than 25% of the ground floor area of the involved dwelling unit (excluding garages).
 - (7) A minor impact home occupation shall have no exterior displays of goods and no interior displays of goods which can be seen from public right-of-ways.
 - (8) A minor impact home occupation shall store no materials or products outside the dwelling unit except in an enclosed structure which complies with the requirements of this Chapter.
 - (9) A minor impact home occupation shall create a volume of traffic and a demand for parking spaces that is no greater than would normally be expected in its neighborhood of Philipsburg.
 - (10) A minor impact home occupation shall use no pieces of equipment or processes that create noise, vibration, glare, fumes, odors, visual or audio television or radio signal interference or electrical interference which is detectable to normal senses in other residential units.
 - (11) Nursery schools, dancing schools, exercise or health centers, funeral homes, mortuaries, eating or drinking establishments, animal kennels, animal hospitals, veterinarian offices, boarding houses, medical or dental clinics or offices, transportation vehicle repair or rental facilities, theaters and any other business that does not meet the definition of home occupations given under subsection (1) above shall not be classified as minor impact home occupations.
- D. The Zoning Officer's determination on the matter, along with any materials that support this determination, shall be mailed to the applicant personally no later than the day after the determination is made.
 - E. The Zoning Officer's determination on this matter may be appealed to either the Zoning Hearing Board or the Centre County Court of Common Pleas.
 - F. There shall be no off-street parking space or loading berth requirements for minor impact home occupations beyond what is required for the involved dwelling unit.
3. Major Impact Home Occupations. If a proposed home occupation is determined to be a major impact home occupation by the Zoning Officer, then its proprietor must

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apply for a special exception use before the Zoning Hearing Board according to the provisions of Part 3, "Special Exceptions and Conditional Uses." Note that any off-street parking space or loading berth requirements for these occupations (beyond the requirements of the involved dwelling unit) shall be set by the Zoning Hearing Board at the involved hearing.

(Ord. 984, 6/14/1999, Art. V, §505)

§27-503. Fences, Walls and Other Screens.

1. Purpose. Fences, walls and other screens can provide many benefits both to the owner of the property on which they are situated and to the public at large. However, certain aspects of these structures must be limited in order to protect a community's appearance and public safety. This Section's purpose is to provide such limits.
2. Fence, Wall, and Other Screen Limitations. Fences, walls, and other screens may be erected in any yard subject to their zoning district's requirements, the limitations in the following table, and the controls of subsection (3) below. Note that heights should be measured from the existing ground elevation:

Regulation	Requirement	Exceptions
Maximum Height		Fences, walls, and other screens up to 10 feet in height may be approved as a special exception under the conditions of Article 3, "Special Exceptions and Conditional Uses."
In front yards	4 feet	
In all other yards	6 feet	
Minimum Setbacks For Non-Corner Lots		None
Front setback	3 feet	
All other setbacks	1.5 feet	
Minimum Setbacks For Corner Lots		None
Front setback	3 feet	
Side street setback	3 feet	
All other setbacks	1.5 feet	

Note: If both property owners agree, the fence can be put on property line. [A.O]

3. Other Fence, Wall, and Screen Regulations.
 - A. A fence, wall, or screen shall not be erected in a public or dedicated right-of-way.

- B. No fences, walls or screen except for a two-strand wire fence shall be constructed in the Borough's floodplain, as defined by the relevant Borough ordinances.
 - C. A fence, wall or screen shall not block the clear sight distance at street sections or driveways.
 - D. A fence, wall or screen shall not include barbs, thorns, other harmful projections or electric wires designed to shock unless it is approved by the Zoning Hearing Board as a special exception under the standards of Part 3, "Special Exceptions and Conditional Uses."
 - E. The finished side of fences, walls or screens shall always face any abutting streets or properties.
 - F. Fences, walls and screens shall be appropriate to the character and architectural concepts of their surroundings.
 - G. Fences, walls and screens shall not hinder the appropriate development, use or value of buildings on adjacent lots.
4. Zoning Permits. A fence, wall, or screen shall require a zoning permit, as described in §27-115, "Zoning Permits."
5. Required Fencing around Private Swimming Pools. In order to minimize the chances of small children and other persons drowning, all private swimming pools shall be enclosed by a fence, wall or screen 4 feet in height as measured from the existing ground elevation. This enclosure shall be able to be locked to prevent accidental or unauthorized entry and shall contain open areas no larger than would be necessary to permit the entry through the enclosure of a ball with a diameter of 4 inches. The height requirement for fences enclosing above-ground pools may be met via a fence attached to the pool wall, in which the lowest ground elevation at any point for pool and fence combined is 4 feet.

(Ord. 984, 6/14/1999, Art. V, §510; as amended by A.O.)

§27-504. Radio and/or Television Antennas.

1. Purpose and Applicability of this Section. Radio and television antennas are a valuable and necessary component of the modern American community. However, the size and location of these items must be limited in the interests of the community's appearance, light, open space and public safety. The purpose of this Section is to limit radio and television antennas while still allowing them to perform their functions. This Section applies to all radio and/or television antennas that are not part of a cellular site (i.e., cell site or radio link), cellular switching office, commercial radio station or commercial television station.

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2. Radio and/or Television Antennas as Special Exceptions. If a radio and/or television antenna meets the size, and location requirements given under subsection (3) below, then it is a permitted use in all zoning districts. Otherwise, it may be permitted in any district only as a special exception, subject to the requirements of Part 3, "Special Exceptions and Conditional Uses."
3. Limitations on the Size and Locations of Radio and/or Television Antennas. Unless a radio and/or television antenna is approved by the Zoning Hearing Board as a special exception under the requirements of Part 3 ("Special Exceptions and Conditional Uses"), it shall follow the size and location restrictions in the Table below:

Regulation	Requirement
Minimum Setbacks From Lot Lines	
For front yards on all lots	15 feet
For side street yards on corner lots	15 feet
For all other yards	6 feet
Distance That Equipment Which Is Mounted On A Roof Must Be From The Edge Of That Roof	
For all roof sides	6 feet
Maximum Heights	Equipment must obey the maximum building height of the district in which it is located. If it is mounted on a roof, it may rise only 10 feet from this roof.
Maximum Diameters For Satellite Dishes	4 feet

(Ord. 984, 6/14/1999, Art. V, §515)

§27-505. Required Buffers.

1. Purpose. Throughout this Chapter, some land uses are required to be "buffered" against other lots. This is required so that the unpleasant qualities of the one use shall not damage the character or value of the other. This Section provides the specific details of this required buffering.
2. Zoning Officer's Role. At the time that a developer who intends to construct a use that this Chapter requires to be buffered applies for a zoning permit, the Zoning Officer of the Borough of Philipsburg shall determine if the developer intends to install a living fence or a non-living fence (options 1 and 2 of subsection (3) below) and if the "maximum height" limitations of §27-503(2)("Fences, Walls and Other Screens") are too strict to allow for proper buffering. If the Zoning Officer finds

that the answer to both of these questions is "yes," then he or she shall have the authority to increase the "maximum height" limitations of §27-503(2) by no more than 100% for the involved property. At the same time, the Zoning Officer shall determine if the developer intends to install a natural landscape buffer (option 3 of subsection (3) below) and if the developer's proposed buffer is not long enough or not wide enough to protect the value of the adjacent properties. If the Zoning Officer determines that the answer to both of these questions is "yes," then he or she shall have the authority to require an increase in the size of the natural landscape buffer area.

3. Buffer/Screen Options. Required buffers shall be in one of the following three forms:
 - A. A living fence that adheres to the requirements of subsection (4) of this Section.
 - B. A non-living fence, wall, or screen that adheres to the requirements of subsection (5) of this Section.
 - C. A natural landscape that is sufficiently wide or hilly enough to hide the principal use of the lot that is required to be screened, and that adheres to the requirements of subsection (6) of this Section.
4. Provisions for Required Living Fences.
 - A. Required living fences shall provide a year-round screen. In order to insure that this requirement will be met, living fences shall be composed of a mix of plants that is at least 75% evergreen.
 - B. Required living fences shall be in accordance with all of the provisions of §27-503 of this Part ("Fences, Walls and Other Screens"), except that they may be subject to the provisions of subsection (2) of this Section.
 - C. Required living fences shall be either no less than 4 feet wide or no less than the width necessary to be opaque, whichever is more.
 - D. Required living fences shall be maintained so that they follow the requirements of this section and continue to provide the required level of screening.
 - E. All plantings should be situated so that their root systems shall not encroach on underground utilities.
 - F. The owner of the property whose principal use is required to be screened shall be responsible for the installation and upkeep of his or her living fence. This includes the replacement of dead plant material and the removal of all debris and tall grass.
5. Provisions for Required Non-Living Fences.

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- A. Required non-living fences shall be maintained so that they follow these requirements, and provide a year-round, attractive screen. The owner of the property whose principal use is required to be buffered shall be responsible for the installation and upkeep of his or her fence.
 - B. Required non-living fences shall be in accordance with the provisions of §27-503 of this Chapter ("Fences, Walls and Other Screens"), except that they shall ignore the required "maximum solid to open portion ratio" and they may be subject to the provisions of subsection (2) of this Section.
 - C. Required non-living fences shall be opaque.
6. Provisions for Natural Landscape Buffers.
- A. Required natural landscape buffers shall be wide and long enough to hide the use that is required to buffer itself.
 - B. Required natural landscape buffers shall be delineated and protected from future development by an easement, deed restriction, covenant or similar restriction.
 - C. No structure, parking area, loading area, storage area or vehicular circulation area shall be located in this buffer area.
 - D. All portions of a landscape buffer shall be attractive and maintained in good condition.

(Ord. 984, 6/14/1999, Art. V, §520)

§27-506. Off-Street Parking Space and Loading Berth Design.

1. Purpose, Organization and Applicability of this Section. Section 212, "Land Uses, Off-Street Parking and Off-Street Loading", stipulates how many off-street parking spaces and loading berths must be provided by each land use within Philipsburg. However, simply requiring a number of parking spaces or loading berths is not enough to guarantee adequate access to the Borough's homes, businesses, and institutions. These spaces and berths need to be properly designed. The purpose of this Section is to meet this concern by mandating that each required off-street parking space and loading berth meet certain safety and aesthetics criteria. Subsection (2) of this Section provides the design criteria for off-street parking spaces, while subsection (3) provides the same for off-street loading berths. The requirements of this Section apply to each off-street parking space and loading berth within the Borough that is used to satisfy the requirements of §27-212, "Land Uses, Off-Street Parking and Off-Street Loading."

2. Requirements for Off-Street Parking Space. Each required off-street parking space shall meet the following standards.
 - A. Location. Required off-street parking spaces shall be located on the same lot as the structure or use that they serve unless a parking plan to the contrary is approved by the Zoning Hearing Board in accordance with §27-507, "Off-Street Parking and Loading Plans."
 - B. Size. Perpendicular parking spaces shall be no smaller than 9 feet in width by 18 feet in length. Parallel parking spaces shall be no smaller than 8 feet in width by 23 feet in length. Handicapped parking spaces shall be no smaller than 13 feet in width by 20 feet in length. All of these measurements shall exclude curbs and maneuvering space.
 - C. Design. Each parking space shall open directly onto an aisle or driveway with a width of no less than 15 feet. All access ways shall be provided in accordance with the Pennsylvania Department of Transportation and Borough regulations and shall be designed so that parking patrons may safely exit to and enter from the street.
 - D. Surfacing. With the exception of those that serve residential buildings with no more than two dwellings, all parking areas shall be graded and either stabilized or paved. Paving may consist of concrete, asphalt, grouted brick, paving blocks or a similar material.
 - E. Screening. Open-space parking areas for 50 automobiles or more shall be interspersed with the landscape or other appropriate land forms in the area.
 - F. Striping. Paved parking areas with more than 15 parking spaces shall be striped to outline each parking space and aisle. A durable paint shall be used and these stripes shall be maintained properly.
 - G. Lighting. Any artificial lighting used to illuminate off-street parking areas and driveways shall be directed away from residential properties and public streets so as to not interfere with these uses.
3. Requirements for Off-Street Loading Berths. Each required off-street loading berth shall meet the following standards:
 - A. Location. Required loading berths shall be located on the same lot as the use that they serve. No loading berth shall be located in a front yard. No loading berth shall be situated so that loading or unloading vehicles may project into a traffic lane.
 - B. Size. A required off-street loading berth space shall be no smaller than 14 feet in width by 55 feet in length, exclusive of any curbs, aisles or maneuvering space. The length may be reduced to 45 feet if the applicant certifies in

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writing that no tractor-trailer trucks will use the berth. Required loading berths shall have a vertical clearance of at least 16 feet.

- C. Access. Each required off-street loading berth shall have an appropriate access and exit that will minimize interference with traffic movement. Such accesses and exits should be encouraged to be by way of an alley, rear entry or service street to the rear of the building.
- D. Surfacing. All off-street loading berths shall have a compacted gravel base not less than 7 inches thick and shall be surfaced with an all-weather material.
- E. Vehicle Repair and Servicing. No motor vehicle repair work shall be performed in an off-street loading berth.
- F. Parking. Loading berths shall not be used to satisfy off-street parking requirements.
- G. Screening. All required off-street loading berths that are adjacent to a residential district shall be buffered against that district according to the standards of §27-505, "Required Buffers."

(Ord. 984, 6/14/1999, Art. V, §530)

§27-507. Off-Street Parking and Loading Plans.

1. Purpose, Organization and Applicability of this Section. Section 27-212, "Land Uses, Off-Street Parking, and Off-Street Loading," stipulates how many off-street parking spaces and loading berths each land use within the Borough of Philipsburg must provide. However, simply requiring a number of parking spaces or loading berths ignores many important considerations. Parking and loading requirements should be flexible and responsive to situations involving shared parking, adequate off-lot parking, different transportation modes and site constraints. Some land uses should not be held to the requirements of §27-212 because they share parking spaces with other businesses who need parking at differing times, they use parking spaces on other lots that are nearby, a significant number of their clients walk or ride bicycles to these uses or existing site constraints prohibit following these requirements. The purpose of this Section is to meet this concern by allowing for reductions in these requirements if they are necessary and justified. Subsection (2) of this Section stipulates the conditions under which one or more land uses may obtain an approved parking plan that reduces the off-street parking requirements of §27-212(3) stipulates the conditions under which one or more land uses may obtain an approved loading plan that reduces the off-street loading requirements of §27-212. Applications for a parking or loading plan shall be made to the Zoning Hearing Board as a special exception by way of the requirements of Part 3, "Special Exceptions and Conditional Uses." This Section ap-

plies to all land uses regulated by §27-212 who wish to apply for one of these two types of plans.

2. Off-Street Parking Plans. The Zoning Hearing Board may grant a special exception (by way of) the requirements of Part 3, "Special Exceptions and Conditional Uses") to an off-street parking plan that reduces the number of off-street parking spaces required for a land use by the table in §27-212, "Land Uses, Off-Street Parking and Off-Street Loading," so long as that plan takes one of the following four forms:
 - A. Two or more uses may share a common parking area that provides enough parking spaces to meet the requirements of each use individually if the applicants prove that each involved use will require the common parking area largely when the other involved uses will not require it, that each involved use is located within 350 feet of the common parking area, that each involved use is connected to the common parking area by safe pedestrian means of access, and that an adequate guarantee exists that the common parking area will remain available to all of the involved uses over their lifetimes. This form of a parking agreement shall not be available to shopping centers or residential buildings with more than one dwelling. However, it is especially recommended for places of worship (which usually require parking on weekends and after 5 p.m. on weekdays) and non-retail office buildings (which usually require parking between 9 a.m. and 5 p.m. on weekdays). Any changes made to the sharing of the common parking area shall require a new review by the Zoning Hearing Board, and may result in an addition of required parking spaces.
 - B. The Zoning Hearing Board may approve a plan for providing some or all of a land use's required off-street parking spaces on a different lot than that which the use is situated on if an adequate guarantee exists that the parking will remain available to the involved use over its lifetime and the off-site parking spaces are located within 350 feet of the associated use and are connected by a safe pedestrian walkway.
 - C. If a land use can prove that over 25% of the traffic that it generates will be pedestrian, the Zoning Hearing Board may approve a plan that proportionately reduces the number of off-street parking spaces required by §27-212. Furthermore, if a land use can prove that over 25% of the traffic that it generates will use a bicycle to get there, the Zoning Hearing Board may approve a plan that proportionately reduces the number of off-street parking spaces required by §27-212 and provides enough bike rack space to handle the anticipated number of cyclists.
 - D. The Zoning Hearing Board may approve an off-street parking plan that reduces the number of off-street parking spaces required for a land use by §27-212 if the applicant can prove that existing site constraints bar any reasonable attempt to follow this requirement and the traffic that will be forced to

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find another place to park will not deny another land use the use of its needed parking spaces.

3. **Off-Street Loading Plans.** The Zoning Hearing Board may grant a special exception (by way of) the requirements of Part 3, "Special Exceptions and Conditional Uses") to a loading plan that reduces the number of off-street loading berths required for a land use by the table in §27-212 if the applicant can prove that existing site constraints bar any reasonable attempt to follow this requirement.

(Ord. 984, 6/14/1999, Art. V. §535)

§27-508. 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.

(Ord. 984, 6/14/1999; as added by A.O.)