

ORDINANCE NO. 1020
BOROUGH OF HATBORO
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF HATBORO BOROUGH,
SPECIFICALLY CHAPTER 27, KNOWN AS THE BOROUGH OF HATBORO
ZONING ORDINANCE OF 1985, TO ADD OVERLAY ZONING DISTRICTS AND
AMENDING THE HEIGHT OF ACCESSORY STRUCTURES
TO THE ZONING ORDINANCE IN VARIOUS SECTIONS INCLUDING,
AND REPEALING ANY INCONSISTENT PROVISIONS THEREWITH

WHEREAS, the Borough Code, 53 P.S. § 45101 *et seq.*, authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend its Zoning Ordinance to address certain provisions of the Zoning Ordinance and for housekeeping purposes;

WHEREAS, Borough Council has met and will the procedural requirements of 53 P.S. §10101, *et. seq.* of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and,

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Hatboro Borough will be served by the amendment of the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hatboro, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

I. AMENDMENT OF THE BOROUGH OF HATBORO ZONING ORDINANCE OF 1985

Section 1. Part 3, Zoning District Classifications, is amended as follows:

§27-301. Classes of Districts, is amended to change "twelve zoning districts" to "twelve zoning districts plus four overlay districts" and to add new sections as follows:

- M. OD-1 – Overlay District.
- N. OD-2 – Overlay District.
- O. OD-3 – Overlay District.
- P. CD-4 – Overlay District.

Section 2. A new part 26 "Overlay Districts" is created as follows:

§27-2601. Legislative Intent.

It is hereby declared to be the intent of this Section to provide alternative residential, multi-family and/or single family development regulations in certain areas of the Borough where redevelopment or new development is encouraged. It is the intent of this section to set forth standards which will ensure that the mixed use development and/or transitional development in the Borough of Hatboro will provide appropriate safety features as well as other appropriate features for the community.

§27-2602. "OD-1 Overlay District".

By conditional use, those properties zoned with the OD-1 Overlay District may avail itself with the Mixed Use Development Regulations found in §27-1506 subject to all standards therein except as specifically modified below:

(a) The minimum acreage to qualify for a mixed use development shall be a lot area of two areas net of legal rights of way and public streets.

(b) The preservation of an existing building shall not be required as a prerequisite to have a maximum density of 35 dwelling units per acre. However, if Council elects to approve the construction of a new building, then the position of the building along or parallel to Jacksonville Road for a distance of not less than 50% of the frontage of the lot shall adhere to a build-to line which shall be positioned not greater than 20 feet from the curblin along Jacksonville Road frontage as determined by any required roadway or frontage improvements.

(c) §27-1506.3 "Procedures" shall be amended so that that the opinion and advice of the Montgomery County Planning Commission and the Borough Planning Commission shall occur 30 days in advance of a public hearing instead of 60 days. The advice of the Montgomery County Housing Authority and other technical and professional advisory agencies is not required.

§27-2603. "OD-2 Overlay District".

By conditional use, those properties zoned with the OD-2 Overlay District may avail itself with the Mixed Use Development Regulations found in §27-1506 subject to all standards therein except as specifically modified below:

(a) The minimum acreage to qualify for a mixed use development shall be a lot area of 20,000 sq. ft. net of legal rights of way and public streets.

(b) Maximum density shall in no event exceed 22 dwelling units per acre.

(c) The height of a building shall in no event exceed 30 feet measured from the mean level of the ground to the highest point of the building except as permitted in §27-413 of this Chapter.

(d) Use modifications:

(1) The limited retail option shall not be available.

(2) Townhouse dwelling units shall be permitted in accordance with §27-904 and shall not exceed a maximum density of 10 dwelling units per acre, net of legal rights of way and public streets.

(e) §27-1506.3 "Procedures" shall be amended so that that the opinion and advice of the Montgomery County Planning Commission and the Borough Planning Commission shall occur 30 days in advance of a public hearing instead of 60 days. The advice of the Montgomery County Housing Authority and other technical and professional advisory agencies is not required.

§27-2604. "OD-3 Overlay District".

By conditional use, those properties zoned with the OD-3 Overlay District may avail itself with the Mixed Use Development Regulations found in §27-1506 subject to all standards therein except as specifically modified below:

(a) The minimum acreage to quality for a mixed use development shall require the entirety of the three properties zoned O-Office District provided that they shall be combined and submitted as a single unified plan. Existing buildings and uses shall be removed as a condition of the conditional use approval.

(b) The height of a building shall in no event exceed 30 feet measured from the mean level of the ground to the highest point of the building except as permitted in §27-413 of this Chapter.

(c) Use modifications:

(1) The limited retail option shall not be available.

(2) Townhouse dwelling units shall be permitted in accordance with §27-904 and shall not exceed a maximum density of 10 dwelling units per acre, net of legal rights of way and public streets.

(e) §27-1506.3 "Procedures" shall be amended so that that the opinion and advice of the Montgomery County Planning Commission and the Borough Planning Commission shall occur 30 days in advance of a public hearing instead of 60 days. The advice of the Montgomery County Housing Authority and other technical and professional advisory agencies is not required.

§27-2604. "OD-4 Overlay District".

By conditional use, those properties zoned with the OD-4 Overlay District may avail itself with the Mixed Use Development Regulations found in §27-1506 subject to all standards therein except as specifically modified below:

(a) The minimum acreage to quality for a mixed use development shall be a lot area of one acre net of legal rights of way and public streets.

(b) The preservation of an existing building shall not be required as a prerequisite to have a maximum density of 35 dwelling units per acre. However, if Council elects to approve the construction of a new building, then the position of the building along or parallel to Jacksonville Road for a distance of not less than 50% of the frontage of the lot shall adhere to a build-to line which shall be positioned not greater than 20 feet from the curbline along Jacksonville Road frontage as determined by any required roadway or frontage improvements.

(c) Use modifications:

(1) Townhouse dwelling units shall be permitted in accordance with §27-904 and shall not exceed a maximum density of 10 dwelling units per acre, net of legal rights of way and public streets.

(d) §27-1506.3 "Procedures" shall be amended so that that the opinion and advice of the Montgomery County Planning Commission and the Borough Planning Commission shall occur 30 days in advance of a public hearing instead

of 60 days. The advice of the Montgomery County Housing Authority and other technical and professional advisory agencies is not required.

Section 3. This ordinance amendment extends the limits of the Mixed Use Overlay District. It is not a rezoning of the parcels subject to it. It will be supplemental to the applicable provisions of the underlying zoning districts.

Section 4. An amendment to §27-1506.2.B "Maximum Density".

§27-1506.2.B "Maximum Density" shall be amended to add the following:

"Borough Council shall retain the sole discretion to determine whether an existing building shall be retained and reused, and whether the maximum density of up to 35 dwelling units per acre shall be permitted as part of the conditional use application. In the alternative, Borough Council may limit the maximum density to 20 dwelling units per acre to a specific application even though an existing building(s) or part thereof are being, or shall be, retained."

Section 5. Part 4, "General Regulations" is amended as follows:

§27-408.B "Accessory Uses" is amended to read as follows:

"Uses accessory to dwelling none of which shall exceed 30 feet in height measured from the main level of the ground to the highest point of the structure, except as permitted in §27-413 of this Chapter."

II. REPEALER

All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

III. REVISIONS

The Council of the Borough of Hatboro does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

IV. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provisions shall be separate, distinct and independent, and such holding shall not effect the validity of the remaining portions of this Ordinance.

V. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Borough of Hatboro to enforce any provision of this Ordinance shall not constitute waiver by the Borough of its rights of future enforcement hereunder.

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

VII. ENACTMENT

Under the authority conferred by the Borough Code, 53 P.S. § 45101 *et seq.* and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Hatboro this 14th day of April, 2014.

Approved by the Borough Council of the Borough of Hatboro, this 14th day of April, 2014.

Attest:

BOROUGH OF HATBORO



ALFRED ZOLLERS, Secretary



JOHN ZYGMONT, Council President

Examined and approved as an Ordinance this 14th day of April, 2014.



NORM HAWKES, Mayor