

**ORDINANCE NO. 1022
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 AN OVERLAY ZONING DISTRICT
DESIGNATED AS THE "LI-TOD" LIMITED INDUSTRIAL-TRANSIT ORIENTED
DEVELOPMENT OVERLAY DISTRICT; AMENDING THE OFFICIAL ZONING MAP
OF THE BOROUGH OF HATBORO TO REZONE CERTAIN PARCELS OR
PORTIONS THEREOF AND TO REFLECT THE ADDITION OF "LI-TOD" OVERLAY
DISTRICT AND CORRECTING TYPOGRAPHICAL ERRORS IN THE SAME
CHAPTER**

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 to be in the best interest and general welfare of citizens and residents of the Borough to amend its Zoning Ordinance to address certain provisions of the Zoning Ordinance;

WHEREAS, Borough Council also deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Official Zoning Map of the Borough of Hatboro to rezone certain parcels or portions thereof and reflect the addition of a new overlay district designated as the "LI-TOD" Limited Industrial-Transit Oriented Development Overlay District pursuant to this proposed ordinance;

WHEREAS, Borough Council has met and will meet 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 and the Official Zoning Map of the Borough of Hatboro.

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 plus four overlay districts" to "twelve zoning districts plus five overlay districts" and to add a new section as follows:

Q. LI-TOD – Limited Industrial-Transit Oriented Development Overlay District.

Section 2. A new §27-2606 is created as follows:

§ 27-2606. "LI-TOD" Limited Industrial-Transit Oriented Development Overlay District.

(a) Intent.

(1) The intent of this Section is to promote transit-oriented residential development connected to bike trails, pedestrian walkways and/or sidewalks to the Hatboro SEPTA station.

(2) In order to fulfill the intent of this Section, any application submitted under this Section shall provide a direct, safe and attractive pedestrian connection from the proposed development to the Hatboro SEPTA station for the public through new and/or existing pedestrian connections, including bike trails, pedestrian walkways and/or sidewalks which shall be maintained, open and clear by the property owner.

(b) Limited Industrial-Transit Oriented Development Regulations.

(1) *Development Standards.* The following development standards for mixed use development shall apply:

(i) *Minimum Acreage.* A minimum lot area of 4 acres shall be required.

(ii) *Maximum Density.* By Conditional use, a maximum density of 8.0 townhouse units per acre net of legal rights of way of existing or proposed public streets shall be permitted.

(iii) *Building Coverage.* Not more than 60 percent of the lot area of each mixed use development may be occupied by buildings.

(iv) *Impervious Coverage.* Not more than 85 percent of the lot area of each mixed use development may be occupied by impervious surfaces.

(v) *Setbacks from Public Streets, Highways, and Property Lines.* Setbacks from any applicable right of way of existing or proposed public street or property lines which adjoin the transit oriented development, measured from the nearest foundation wall to the applicable property line or street lines, shall be as specified in §27-411 and §27-1407. Within the LI-TOD Overlay District, the front yard setbacks shall only apply to the right-of-way for existing or proposed public roads.

(vi) *Distance Between Buildings.* In townhouse groups, the minimum separation between buildings shall be as follows:

1. Front-to-Front: thirty (30) feet.
2. Side-to-Front: twenty (20) feet.
3. Side-to-Back: twenty (20) feet.
4. Rear-to-Rear: thirty (30) feet.
5. Front-to-Rear: fifty (50) feet.
6. Side-to-Side: ten (10) feet.

(vii) *Height of Buildings.* No building in a transit oriented development shall exceed 35 (thirty-five) feet in height and no more than three stories, not including the basement.

(viii) *Buffer Area.* The transit oriented development shall be effectively buffered from any adjoining residential uses and railroad right of way, through the use and layout of walls, fences, or permanent landscaping as approved by Borough Council. The buffer area shall have a minimum width of 20 feet and may include recreational or pedestrian trail(s)

(ix) Standards for Recreational Land, Open Space, Landscaping and Along Existing Street Frontages for LI-TOD developments.

1. A minimum of 20% of the gross tract area in a LI-TOD development shall be designated as open space.

2. Open space must have a minimum linear dimension of twenty (25) feet in all dimensions to count towards any open space requirements and specifically excludes the required minimum separation between buildings.

3. Existing native trees shall be preserved to the greatest extent possible in proposed open spaces. The applicant shall prepare tree preservation standards including tree protection fence and other construction measures to ensure the preservation of the existing trees.

4. As part of the required open space, there shall be a centrally-located park no smaller than 10,000 square feet furnished with a gazebo or pavilion to serve the community.

5. As part of the required open space, any LI-TOD development shall include at least two recreational amenities. These amenities may include but are not limited to dog parks, playgrounds, walking trails, and bike trails. The acreage or value of walking and bike trails along the railroad shall not count towards the Park and Recreational Land requirements of the Subdivision and Land Development Ordinance unless waived by Council.

6. All new and expanded stormwater management controls, drainage ways, and facilities shall be planted in a naturalistic manner with native water-tolerant plant materials as long as the plantings and/or landscaping does not reduce the stormwater management capacity. Proposed stormwater management facilities shall be richly landscaped to ensure that it serves as an attractive feature of the community and that it is an appropriate frontage element for homes and recreation. If access to any area is restricted for safety or security purposes, then this area shall not be counted as open space for the purposes of this article.

7. Such open space may include improvements and impervious surface coverage to the extent that such is an element of the particular open space use and serves a related function, such as pedestrian walkways.

8. Landscaped areas within off-street parking areas (and public rights-of way) are specifically excluded as useable open space.

(x) *Other Development Standards.* The transit oriented development shall provide public improvements, such as sidewalks, shade trees, fences, hedges, walls, streetlights, benches, and other streetscape features which are in accordance with the design standards of the Comprehensive Plan and Revitalization Study, as approved by Borough Council. The proposed transit oriented development shall also be developed in accordance with the requirements specified in § 27-807 of this Chapter, to the extent not inconsistent with the requirements of this Section.

(2) *Procedures.* Applications for approval of a conditional use under this Section as described in section §27-2209 shall be made to Borough Council, which shall apply the standards and requirements set forth in this Section, after first holding a public hearing, at which a full opportunity to be heard shall be given to any citizen and all parties in interest. The burden of proof shall, at all times, be on the applicant. The application for conditional use shall, in addition to all other information required, provide the information required by §27-2503 and shall comply with the special exception standards of 53 P.S. §10912 and §27-2310 of this Chapter. In addition to seeking the opinion and advice of the Borough Planning Commission, the Borough Council shall, at least 30 days prior to the public hearing on the conditional use application, seek the opinion and

advice on the merits of the proposal of the Montgomery County Planning Commission, the Montgomery County Housing Authority and other technical and professional advisory agencies knowledgeable on the subject, in order to more effectively evaluate the adequacy of the proposed development Upon the request of Borough Council, the applicant shall submit:

(i) A traffic impact and/or off-street parking study by a qualified traffic engineer and/or transportation planner with previous traffic impact and off-street parking study experience.

(ii) Phase I Environmental Site Assessment (ESA) conducted in accordance with current ASTM 1527 standards or standards promulgated by Federal or State authority (e.g., EPA All Appropriate Inquiry standards).

(iii) Phase II Environmental Site Assessment(s) and any similar additional environmental studies, work plans, remediation plans, environmental data, etc., as required by the Borough Engineer pursuant to commonly accepted standards to characterize the site's environmental condition considering the proposed reuse.

(3) *Plan Submission Requirements.* The following information shall be shown on the plans submitted for approval as part of the conditional use application:

(i) Floor area (in square feet) of all dwelling units.

(ii) Number of bedrooms per dwelling unit.

(iii) Total number of dwelling units.

(iv) Total number of acres in the proposed plan.

(v) Total number of off-street parking spaces.

(vi) Exterior vertical and horizontal building dimensions.

(vii) All safety features included in each building required by this Chapter, other ordinances of the Borough, and by other governmental agencies.

(viii) Proposed elevations and construction material palates shall be presented with the conditional use application.

1. Any major deviation or change in the preliminary architectural designs, proposed elevations and material palates shall require the submission of new designs, elevations and palates and a new conditional use application with regard to architectural issues only.

(ix) Landscape design standards and streetscape improvements.

(x) Feasibility of required utility services.

(c) In the case of conflict between the requirements or intent of this §27-2606 and any other provision of Chapters 22 and 27, this §27-2606 shall prevail.

(d) Shared parking shall be encouraged to provide more than the required number of spaces as required by §27-2002. In order to reduce the amount of impervious surfaces and promote alternative transportation methods when accessible, Council may authorize the shared use of parking space or areas for two (2) or more uses jointly providing off-street parking when their respective hours of peak operation do not normally overlap and the parking areas are under

common ownership or controlled by an easement agreement to the satisfaction of the Borough.

(e) Green Court lots are residential lots that front directly onto parks or greens with vehicular access provided by a rear lane or alley. To encourage green courts in a residential development in the LI-TOD Overlay District, lots shall not be required to meet the standard of Section 27-406, provided that unobstructed rear access with a minimum 20' right-of-way and 12' cartway is provided.

(f) Review and approval by the Fire Marshall must be obtained relative to fire safety and access.

II. Updates and corrections

(a) Section 27-2602 (a) shall be amended to read "The minimum acreage to qualify for a mixed use development shall be a lot area of two acres net of legal rights of way and public streets."

(b) Section 27-2604 "OD-4 Overlay district" is renumbered to section 27-2605 to correct a duplication of numbers

III. AMENDMENT OF THE OFFICIAL ZONING MAP OF THE BOROUGH OF HATBORO

Section 1. The Official Zoning Map of the Borough of Hatboro is hereby amended to reflect the addition of Overlay District "LI-TOD" Limited Industrial-Transit Oriented Development Overlay District by this Ordinance, as applied to a portion of tract of land located at the intersection of Fulmor Avenue and Warminster Street, further identified as a portion of Montgomery County Tax Parcel No. 08-00-05734-00-9, Block 17, Unit 35 and more particularly described in the legal description attached hereto as Exhibit "A".

IV. 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.

V. 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.

VI. 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 provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

VII. 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.

VIII. EFFECTIVE DATE

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

IX. ENACTMENT

Under the authority conferred by the Borough Code, 53 P.S. §45150 *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 24th day of November, 2014.

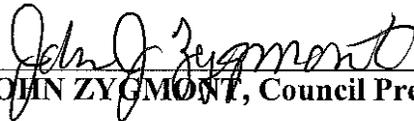
Approved by the Borough Council of the Borough of Hatboro, this 24th day of November, 2014.

Attest:

BOROUGH OF HATBORO



ALFRED ZOLLERS, Secretary

By: 

JOHN ZYGMONT, Council President

Examined and approved as an Ordinance this 24th day of November, 2014.



NORM HAWKES, Mayor

EXHIBIT "A"
Legal Description

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