

**ORDINANCE NO. 1033  
BOROUGH OF HATBORO  
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE HATBORO BOROUGH ZONING ORDINANCE  
FOR THE PURPOSE OF PROVIDING AND AMENDING DEFINITIONS AND  
REQUIREMENTS FOR DENSITY, ACREAGE, SIGNAGE, LIGHTING, PARKING,  
OFF-STREET LOADING, AND OTHER CONTENT REVISIONS FOR CERTAIN  
ZONING DISTRICTS THROUGHOUT THE BOROUGH.**

**WHEREAS**, the Borough Code, 53 P.S. § 45101, *et seq.*, authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make, adopt, and amend 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 of Hatboro ("Borough") and its citizens;

**WHEREAS**, The Borough of Hatboro deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend the Hatboro Borough Zoning Ordinance, Chapter 27, to make various additions, changes, and clarifications throughout the Hatboro Zoning Ordinance as detailed below;

**WHEREAS**, the 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 the Borough will be served by amendments to the Hatboro Borough Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** 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:

**SECTION 1. CODE AMENDMENTS. THE HATBORO BOROUGH ZONING ORDINANCE, CHAPTER 27, IS HEREBY AMENDED AS FOLLOWS:**

**A. §27-202, Definitions, Definitions of Terms, is hereby amended as follows:**

**I. The following Definitions are hereby added:**

*Corner Lot* - A lot at the junction of and abutting on two or more intersecting streets. Yards abutting a street shall be treated as front yards with respect to all regulations contained in this chapter.

*Changeable Text Electronic Message Board* – An internally illuminated portion of a permanent monument sign in which plasma technology, LED technology, or other electronic technology is utilized to convey a message or announcement regarding the use(s) on the property where the sign is located.

**II. The following Definition is hereby amended as follows:**

*Right-of-way line* – the dividing line between a lot and the ultimate right-of-way or, if greater, the outside boundary of a legally opened or officially plotted public street, road, or highway. The dividing line between a lot and a privately owned street, road or right-of-way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

**B. §27-1202.4, RC-2 Retail Commercial District, Area, Width, and Yard Regulations for Retail Commercial Uses, is hereby amended as follows:**

4. *Front Yard.* A front yard of not less than 5 feet measured from the right-of-way line to the building foundation wall nearest to the right-of-way line. A front yard shall be that yard that extends from the right-of-way line to the nearest wall of the principal building. Parking shall not be permitted in any front yard closer than 10 feet to any right-of-way line.

**C. §27-2003.B(1), Off-Street Parking and Loading and Outdoor Storage Areas, Nonresidential Uses, is hereby amended as follows:**

B. For any of the following primary uses, the required parking spaces shall be all-weather, shall be paved and shall be located on the lot therewith.

(1) Retail store or shop: one parking space for every 200 square feet of store sales floor space, plus one parking space for each employee that would be present on the largest shift of the associated retail store or shop.

**D. §27-2008.A, Off-Street Parking and Loading and Outdoor Storage Areas, Required Off-Street Loading and Unloading Space, Off-Street Loading Berth Requirements, is hereby amended as follows:**

**I. The following provisions are hereby deleted and replaced with:**

(2) Offices of 12,000 square feet or more—one loading berth.

(3) Retail, commercial, industrial, and research and development uses: one loading berth for the first 5,000 square feet, to a maximum of 12,000 square feet; and one additional loading berth for each additional 12,000 square feet or fraction thereof.

**II. The following provision is hereby added:**

(5) In no event shall any vehicle loading or unloading remain on the property in excess of 12 hours.

**E. §27-1905.E(5), Signs, Additional Sign Regulations by Zoning District, RC-1 and RC-2 Commercial Districts, is hereby deleted and replaced with the following language:**

(5) Permanent freestanding signs shall not exceed 14 feet in height. For those signs which measure no greater than 10 feet in height measured from the average ground level of the lot to the top of the sign shall not exceed 32 square feet in sign area. Those signs that exceed 10 feet in height shall measure no greater than 25 square feet in sign area. No more than one permanent freestanding sign shall be permitted on any one lot.

**F. §27-1905.E(7), Signs, Additional Sign Regulations by Zoning District, RC-1 and RC-2 Commercial Districts, is hereby amended as follows:**

(7) Permanent parallel and permanent projecting signs shall be permitted in accordance with the provisions of §27-1902 of this Part. Permanent projecting signs shall not project more than 18 inches into any required yard area or over any pedestrian right-of-way.

**G. §27-1902, Signs, Definitions, is hereby amended to add the following definitions:**

**I.**

*Changeable Text Electronic Message Board* – An internally illuminated portion of a permanent monument sign in which plasma technology, LED technology, or other electronic technology is utilized to convey a message or announcement regarding the use(s) on the property where the sign is located. Changeable Text Electronic Message Boards shall be no greater than 10 square feet and the content shall comply with the following requirements:

(1) Other than text, no other images or symbols of any kind shall be permitted. In addition, no signs or message boards shall be permitted to move, scroll, flash, revolve, rotate, oscillate, fade or display animated text or video.

(2) Notwithstanding any other regulations to the contrary, the copy on a Changeable Text Electronic Message Board may change at a rate not greater than once per hour. Each change shall be instantaneous. All text and the messaging background shall remain static.

(3) The color of changeable text and the messaging background shall be uniform and constant. The electronic messaging background shall be dark-colored and shall not be white or light-colored.

(4) No signs or message boards shall emit any audio or verbal announcement or noises of any kind.

## II.

### *Types of Signs –*

*Directional Signs* - On-premises, incidental signs designed to guide or direct pedestrians or vehicular traffic. Directional Signs shall not exceed 4 square feet in sign area, shall not exceed four feet in height measured from the average ground level of the lot to the top of the sign, and only 4 freestanding Directional Signs shall be permitted on any one lot. The square footage of Directional Signs shall not be counted toward the total square footage of signage permitted on the property.

### **H. §27-1905.E(8), Signs, Additional Sign Regulations by Zoning District, RC-1 and RC-2 Commercial Districts, is hereby deleted and replaced with the following language:**

(8) Awnings, canopies, or marquees may be permitted to extend over any pedestrian walkway or into any required yard or over any vehicular traffic driveway or into any parking lot. The awning, canopy or marquee shall be at least 10 feet above the surface of any pedestrian walkway and at least 14 feet above the surface of any driveway over which it is extended and does not impede normal pedestrian or vehicular traffic.

### **I. §27-1905, Signs, Additional Sign Regulations by Zoning District, is hereby amended as follows:**

#### **I. §27-1905.E, RC-1 and RC-2 Commercial Districts, is hereby amended to add the following provision:**

(11) A Changeable Text Electronic Message Board shall be permitted.

#### **II. §27-1905.F, HB – Highway Business District, is hereby amended to add the following provision:**

(6) A Changeable Text Electronic Message Board shall be permitted.

#### **III. §27-1905.G, LI and HI Industrial Districts, is hereby amended to add the following provision:**

(5) A Changeable Text Electronic Message Board shall be permitted.

**J. Section 27, Part 4, General Regulations, is hereby amended to add new section 426 entitled, "Lighting" and shall provide as follows:**

**§27-426. Lighting.**

- A. All light fixtures shall contain lenses that focus light directly beneath the light fixture and shall not permit direct glare into nearby public or private properties.
- B. Illumination trespass standards from one property to another shall be as follows:
  - (1) In no case shall spill-over illumination more than 0.5 foot candles at ground level exist on any non-residentially zoned or used property when measured, line of sight, at the property line of the aggrieved property.
  - (2) In no case shall spill-over illumination more than 0.1 foot candles at ground level exist on any residentially zoned or used property when measured, line of sight, at the property line of the aggrieved property.

**SECTION 2. REPEALER.** 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.

**SECTION 3. 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 its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.** The failure of the Borough of Hatboro to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

**SECTION 7. ENACTMENT.** Under the authority conferred by the Borough Code and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby ordain and this Ordinance for the Borough of Hatboro, this 23 day of May, 2016.

Approved by the Borough Council of the Borough of Hatboro, this 23 day of May, 2016.

ATTEST:

**BOROUGH OF HATBORO:**

Alfred Kollers  
Alfred Kollers, Secretary

By: William Tompkins  
William Tompkins, Council President

Examined and approved as an Ordinance, this 23 day of May, 2016.

Norm Hawkes  
Norm Hawkes, Mayor