

**ORDINANCE NO. 1039
BOROUGH OF HATBORO
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE HATBORO BOROUGH ZONING ORDINANCE
FOR THE PURPOSE OF PROVIDING AND AMENDING DEFINITIONS AND TO
PROVIDE ADDITIONS, CHANGES AND CLARIFICATIONS THROUGHOUT THE
BOROUGH ZONING ORDINANCE.**

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. Definition of Terms:

§27-202. Definition of Terms, is hereby amended to delete and replace the terms “Family”; “Group Home”, and “Rooming house (boarding house)” and “Height of building” with the following:

Family - Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises when the individuals are related by blood, marriage or adoption, including any number of foster children; no more than four unrelated individuals living together on a non-transient basis as a single housekeeping unit and doing their

cooking on the premises. Family shall also be deemed to include any number of handicapped individuals, as defined by 42 U.S.C. §3602(h) of the Federal Fair Housing Act and protected from discrimination under the provisions of 42 U.S.C. §3604 of the Federal Fair Housing Act, occupying a dwelling on a non-transient basis as a single housekeeping unit and doing their cooking on the premises. The term handicap shall not include current, illegal use of a controlled substance or current abuse of alcohol. The term family shall not include occupants of club, fraternity house, lodge, residential club or rooming house.

Group home – a residential facility used as living quarters by any number of unrelated persons requiring special care, and their attendant adult supervisors. A group home is specifically designed to create a residential setting for the following types of individuals: foster children, juvenile or adult delinquents, the mentally and physically handicapped who do not qualify as a family as defined herein, and other similar uses as a special exception; the individuals may be either transient or permanent residents. A group home shall be considered an institutional use and shall meet the standards set forth in Section 27-2312.

Rooming house (boarding house) – a building used for the purpose of a residence for one family in which the owner rents rooms within the building to not more than six non-transient persons, with or without the provision of table board for such persons. A rooming house (boarding house) shall be considered an institutional use and shall meet the standards set forth in Section 27-2312.

Height – a building or structure's vertical measurement from the mean level of the ground surround the building or structure to a point midway between the highest and lowest points of the roof, provided the chimneys, tanks and towers, elevator, penthouses and similar projections shall not be included in calculating the height of a building or structure.

B. §27-408.B. Accessory Uses is hereby amended as follows:

- B. Uses accessory to dwelling, none of which shall exceed 15 feet in height, except as permitted in §27-413 of this Chapter.

C. §27-602, Use Regulations, is hereby amended to delete §27-602.C.(1) and replace with the following:

- (1) Educational, religious, or philanthropic use, excluding the following: correctional, penal or mental institutions, group homes or other similar institutions.

D. §27-702, Use Regulations, is hereby amended to delete 27-702.C.(1) and replace with the following:

- (1) Educational, religious, or philanthropic use, excluding all of the following: correctional, penal or mental institutions, group homes or other similar institutions.

E. §27-702, Use Regulations, is hereby amended to delete §27-702.C.(5), Rooming house/boarding house, and renumber §27-702.C.(6) to §27-702.C.(5) and renumber §27-702.C.(7) to §27-702.C.(6).

F. §27-703, Area, Width, and Yard Regulations, is hereby amended to delete §27-703.A.(1), Lot Area; and to delete the following language from §27-703.B.(3) and §27-703.B.(5):

(3) A front yard depth of not less than 40 feet shall be required for boarding house/rooming house use.

(5) Except that in the case of rooming houses/boarding houses the required side yard shall be not less than 15 feet.

G. §27-604, Height Regulations, §27-704, Height Regulations, and §27-804 are each amended to amend A. and B. as follows:

A. For any permitted use and use permitted by special exception, but excluding accessory structures or accessory buildings: 32 feet, except as permitted in §27-413 of this Chapter.

B. For any accessory structures or accessory buildings to a permitted use or use permitted by special exception: 15 feet.

H. §27-604, Height Regulations, and §27-704, Height Regulations, are both amended to delete C. which states:

C. For any nonresidential use: 65 feet, except as permitted in §27-413 of this Chapter.

I. **§27-902, Use Regulations, is hereby amended to add §27-902.E.(4) and §27-902.E.(5) as follows:**

(4) Group home.

(5) Rooming house/boarding house.

J. **§27-1602.A(2), HE Housing for the Elderly Development Regulations, Development Standards, Garden Apartment Housing for the Elderly, is hereby amended as follows:**

(2) *Maximum Density.* A maximum permitted density of 15 dwelling units per acre.

K. **§27-1602.B, HE Housing for the Elderly Development Regulations, Development Standards, Mid-rise Housing for the Elderly, is hereby amended as follows, with all other provisions remaining unchanged:**

B. *Mid-rise Housing for the Elderly.* The following standards shall apply to housing for the elderly as a conditional use in the RC-2 Retail Commercial District.

(1) *Minimum Acreage.* A minimum tract size of 3 acres shall be required.

(2) *Maximum Density.* A maximum permitted density of 30 dwelling units per acre.

L. **§27-1205.A(1), RC-2 Retail Commercial District, Development Regulations for Mid-rise Apartment Uses, Acreage and Density Requirement, is hereby amended as follows:**

(1) A proposal for mid-rise apartments shall have a minimum tract area of 3 acres.

M. **§27-903, R-4 Residential District, Acreage and Density Requirements, is hereby amended to have the section renamed “Density and Height Regulations”, deleted in its entirety, and replaced with the following language:**

§27-903. Density and Height Regulations.

The following density, area, width, and yard requirements shall apply for each permitted dwelling type:

A. *Minimum Acreage.* The following minimum acreage requirements shall apply for each permitted dwelling type:

(1) For two-family dwellings the minimum acreage shall be the required lot area as specified in paragraph .C herein.

(2) For townhouse development a minimum of 40,000 square feet shall be required before a development plan can be submitted to the Borough for consideration.

(3) A proposal for Garden Apartment development shall have a minimum tract of 3 acres before a development plan can be submitted to the Borough for consideration.

B. *Density*. Maximum permitted density shall be 15 dwelling units per acre.

C. *Area, Width, Yard, and Coverage Regulations*. The following regulations shall apply, subject to the maximum density permitted in paragraph .B herein:

(1) *Lot Area*. The minimum total area allowed for each permitted use shall be:

(a) Two-family houses shall be permitted on separate lots of 4,000 square feet per dwelling unit.

(b) Duplex type two-family homes shall be permitted on lots of 7,000 square feet per building.

(c) Townhouses shall be permitted on lots of 4,000 square feet for each end dwelling unit and 3,000 square feet for each inside dwelling unit.

(2) *Building Coverage*. The total building coverage allowed for each lot area, including accessory buildings, shall be:

(a) Two-family twin house—35 percent for each 4,000 square foot lot.

(b) Duplex type two-family house—30 percent.

(c) Townhouse—40 percent for each separate lot area as required in subparagraph (1)(c) herein.

(3) *Lot Width*. Lot width shall be measured at the building line. The minimum width of each lot shall be:

(a) For one-half of a two-family twin house, each lot shall have a lot width of not less than 35 feet.

(b) For a duplex type two-family house, each lot shall have a lot width of not less than 50 feet.

(c) For townhouses, each end unit shall have a lot width of not less than 35 feet, and all interior units shall have a lot width of not less than 20 feet.

(4) *Front Yard.* For all types of permitted dwellings, a front yard depth of not less than 25 feet measured from right-of-way line to the building foundation wall nearest to the right-of-way line. A front yard shall be a yard that extends from a right-of-way line to the nearest wall of the principal building.

(5) *Rear Yard.* For all types of permitted dwellings, a rear yard of not less than 25 feet measured from the building foundation wall at the nearest point to the rear property line. A rear yard is that yard directly opposite the front yard.

(6) *Side Yard Requirements.*

(a) *Single-Family Detached Dwelling Use.* Two side yards shall be required and no building or structure shall be erected nearer than 8 feet to any side property line measured from the nearest foundation wall to the property line.

(b) *Twin Semi-detached Dwelling.* One side yard shall be required at least 8 feet wide measured from the property line to the nearest foundation wall. No side yard shall be required on the common wall side of the twin home. Any wall constructed on the party wall property line shall meet Borough standards for fire wall construction.

(c) *Duplex Type Dwelling.* Two side yards shall be required and no building or structure shall be erected nearer than 8 feet to any side property line measured from the nearest foundation wall to the property line.

(d) *Townhouse.* Side yards shall be required and shall comply with the townhouse development regulations set forth in §27-807 herein.

(7) *Accessory Use Building Restrictions.* Accessory buildings and structures may be erected at least 10 feet to the rear of the building line, and no less than 10 feet from the rear property line. Accessory buildings and structures may be erected no less than 8 feet from any side property

line, except that an accessory building may be erected on the side property line if the adjoining property owner(s) give written consent. The property line wall must be of solid masonry construction. No accessory building may be erected nearer than 8 feet from any other existing building on the same or adjoining lot. Provision must be made for disposal of roof water onto the subject property or directly to the nearest storm sewer.

D. *Height Regulations.* The maximum height of a building or structure erected or enlarged in this district shall be

(1) For any building: 35 feet, except as permitted in §27-413.

(2) For any accessory building or structure: 15 feet.

N. §27-904, Garden Apartments and Townhouse Development Regulations for R-4 District, is amended as follows:

G. *Height of Building.* No building in a garden apartment development shall exceed a height of 35 feet and in no event shall a building exceed more than two-stories, exclusive of basement.

O. §27-1004. Height Regulations is amended to amend A. and B. as follows:

A. For any permitted uses in §§ 27-1002.A. and B. herein: 35 feet, except as permitted in §27-413 of this Chapter.

B. For any building or structure accessory to any permitted use: 15 feet.

P. §27-1104. Height Regulations is amended to amend A. and B. as follows

A. For any permitted use: 35 feet, except as otherwise permitted in §27-413 and in §27-1205.H of this Chapter.

B. For any building accessory to any of the permitted uses: 15 feet.

Q. §27-1203. Height Regulations is amended to amend A. and B. as follows:

A. For any permitted use: 35 feet, except as otherwise permitted in §27-413 and in §27-1206.H of this Chapter.

B. For any building accessory to any of the permitted uses: 15 feet.

R. §27-1205. Development Regulations for mid-rise apartment uses is amended to amend H. as follows:

H. *Height of buildings.* No building in a mid-rise apartment development

shall exceed the height of 65 ft.

S. §27-2603. OD-2 Overlay District is hereby amended as follows:

- (c) The height of a building shall in no event exceed 30 feet, except as permitted in §27-413 of this Chapter.

T. §27-2604. OD-3 Overlay District is hereby amended as follows:

- (b) The height of a building shall in no event exceed 30 feet, except as permitted in §27-413 of this Chapter.

U. §27-2312, Standard for Zoning Hearing Board Review of Institutional Uses, is hereby amended to revise §27-2312.C. Height, as follows:

- C. *Height.* The maximum height of any building or structure shall be as set forth in the applicable zoning district except that such height may be increased when approved by the Zoning Hearing Board provided that for every foot of height in excess of the permitted height there shall be added to each yard requirement one (1) corresponding foot of width or depth.

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 enact this Ordinance for the Borough of Hatboro, this 10th day of October, 2016.

Approved by the Borough Council of the Borough of Hatboro, this 10th day of October, 2016

ATTEST:

BOROUGH OF HATBORO:

Alfred Zöllers
Alfred Zöllers, Secretary

By: William Tompkins
William Tompkins, Council President

Examined and approved as an Ordinance, this 10th day of October, 2016.

Norm Hawkes
Norm Hawkes, Mayor