

**ORDINANCE NO. 1015
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 AMEND CERTAIN PARTS OF THE ZONING
ORDINANCE, 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 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 2, Definitions, is amended as follows:

§27-201. Meaning of Words, shall be amended to change "constructed" to "construed".

§27-202. Definition of Terms, is amended as follows:

To add "Hi-rise Apartment" under Dwelling type, (3) Multi-family dwelling:

(c) Hi-rise Apartment – a multi family dwelling as defined above, that is more than seven stories in height.

To add the following definitions in alphabetical order:

Frontage, Primary – Lot frontage along the street with the greatest traffic volume.

Health Club – a place of business having members or customers who pay a fee to use its health and fitness facilities and equipment.

Home-Based Business, No-Impact – 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.

No impact home-based businesses must satisfy the following requirements:

1. The business activity must be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
5. 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 district.
6. 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 district.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Section 2. Part 3, Zoning District Classifications, is amended as follows:

§27-301. Classes of Districts, is amended to change “eleven zoning districts” to “twelve zoning districts” and to add a new section L.

L. HI-MU Heavy Industrial – Mixed Use District.

Section 3. Part 4, General Regulations, is amended as follows:

§27-408. Accessory Uses, B.(4) is amended to read as follows:

B. Uses accessory to dwelling:

(4) Use of nonpermanent buildings or structures as children’s playhouse, shelter for domestic pets, bird houses, or other similar use. No such building or structure, except bird houses, may be erected in a tree or trees. No such structure may exceed 32 square feet.

§27-423. Private Swimming Pools, is deleted and replaced by the following:

For the purpose of this Chapter a private swimming pool shall be an accessory structure.

A. All private swimming pools shall be maintained in good condition with fence and required gates and ladders in place at all times. The Zoning Officer may order the repair or removal of any pool not properly maintained or protected from accidental access.

Section 4. Part 6, R-1 Residential District, is amended as follows:

§27-604. Height Regulations, A. is amended to read as follows:

A. For any dwelling: 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.

Section 5. Part 7, R-2 Residential District, is amended as follows:

§27-704. Height Regulations, A. is amended to read as follows:

A. For any dwelling: 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.

Section 6. Part 8, R-3 Residential District, is amended as follows:

§27-804. Height Regulations, A. is amended to read as follows:

A. For any dwelling: 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.

Section 7. Part 11, RC-1 Retail Commercial District, is amended as follows:

§27-1102. Use Regulations, B. is amended to read as follows:

B. Shops for personal services such as: barbershop, beauty parlor, dry cleaning and pressing pick-up station, tailor shop, gyms and health clubs and shoe repair shop. A dry cleaning plant shall be permitted only by special exception granted by the Zoning Hearing Board.

Section 8. Part 12, RC-2 Retail Commercial District, is amended as follows:

§27-1201. Declaration of Legislative Intent shall be amended to delete A. through N.

§27-1202 through §27-1206 shall be renumbered §27-1203 through §27-1207 and a new §27-1202 shall be added as follows:

§27-1202. Use Regulations.

In the RC-2 Commercial District a building or structure may be erected, altered, or used, and a lot or premises may be used or occupied for any of the following uses and no other :

A. Retail sale of dry goods, general merchandise, clothing, food, flowers, beverages, pharmaceuticals, household supplies or furnishings; sale or repair of jewelry, watches, clocks, optical goods, or musical, professional or scientific instruments.

B. Shops for personal services such as: barbershop, beauty parlor, dry cleaning and pressing pick-up station, tailor shop, and shoe repair shop. A dry cleaning plant shall be permitted only by special exception granted by the Zoning Hearing Board.

C. Restaurant, tearoom, café, taproom, or similar establishment serving food and/or beverage, and having facilities for the indoor seating of their patrons, but without drive-in or drive-through service; nor shall drive-in or drive-through facilities be permitted as an accessory use under paragraph M.

- D. Business or professional office, studio, bank, gym, health club and financial institution, telephone exchange or other public utility office, passenger station for public transportation.
- E. Club, fraternal organization, lodge.
- F. Greenhouse, nursery sales yard.
- G. Indoor theater.
- H. Newspaper publishing and job printing.
- I. Educational, religious or philanthropic use, subject to the provisions of §27-420 of this Chapter.
- J. Licensed day care center.
- K. Housing for the elderly, subject to additional standards as set forth in Part 16 of this Chapter.
- L. Mid-rise apartments, subject to development regulations as set forth in §27-1207 of this Part.
- M. Accessory uses as authorized by the general regulations of this Chapter, including dwelling units, shall be located at or above the second story level, and shall not be more than 50 percent of the total lot area. No on-ground or in-ground private swimming pools are permitted as an accessory structure to any of the permitted uses in this zoning district.
- N. The following uses when authorized as a special exception, subject to the provisions of applicable sections of this Chapter:
 - (1) Any use of the same general character as any of the above permitted uses.
 - (2) Funeral home.
 - (3) Animal hospital, pet shop, kennel; provided there is adequate provision made for disposal of animal waste, suppression of noise and control of odor.
 - (4) Hand or automatic self-service laundry, provided there is adequate provision made for water disposal.
 - (5) Hospital, health care facility, subject to regulations as set forth in §27-420 of this Chapter.
 - (6) Pay parking lot.
 - (7) Child day care center.

Section 9. Part 14, LI Limited Industrial District, is amended as follows:

§27-1406. Area, Width, and Yard Regulations, 2. is amended to read as follows:

2. *Front Yard.* A front yard of not less than 25 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.

Section 10. Part 15, HI Heavy Industrial District, is amended to rename Part 15 as follows:

Part 15, HI Heavy Industrial District/HI-MU Heavy Industrial-Mixed Use District

And to amend the following sections of Part 15:

§27-1501. Declaration of Legislative Intent, is amended to add "and the HI-MU Heavy Industrial-Mixed Use District" after "HI Heavy Industrial District".

§27-1502. Use Regulations, is amended to revise the introductory paragraph as follows:

§27-1502. Use Regulations for HI Heavy Industrial District and HI-MU Heavy Industrial-Mixed Use District:

The specific uses permitted in the HI Heavy Industrial District and the HI-MU Heavy Industrial-Mixed Use District shall be the erection, construction, alteration, or use of buildings or premises for the following uses and no other, to be conducted wholly within a building, or in a court enclosed on all sides by buildings, except for on-site parking and loading incidental thereto, and where approved by the Zoning Hearing Board, public utility facilities not normally enclosed within a building.

§27-1502. Use Regulations, A. is deleted and replaced by the following:

A. Permitted Uses

- (1) All uses permitted in LI Light Industrial Districts.
- (2) Manufacture of textiles or textile products, including spinning and weaving hosiery and knitting mills but not including wool pulling or scouring, or jute or burlap processing or reconditioning.
- (3) Manufacture of concrete and concrete products.
- (4) Machine shops, except no drop hammers may be used.
- (5) Accessory use on the lot with, and customarily incidental to any of the permitted uses or conditional uses; provided, that off-street parking spaces incidental to a mixed use development may be located on the principal lot, and/or on a lot adjacent to, and/or directly across a street from, a mixed use development pursuant to §27-2002.6.

§27-1502. Use Regulations, B. is amended to delete (7).

§27-1502. Use Regulations, E. is amended to revise the first sentence only, as follows:

The following use shall be permitted as a conditional use in HI-MU districts only:

§27-1503, §27-1504 and §27-1505 are amended to add “for the HI Heavy Industrial District and the HI-MU Heavy Industrial-Mixed Use District” as part of the title for each as follows:

§27-1503, Area, Width and Yard Regulations for the HI Heavy Industrial District and the HI-MU Heavy Industrial-Mixed Use District.

§27-1504, Exceptions for Side and Rear Yards for the HI Heavy Industrial District and the HI-MU Heavy Industrial-Mixed Use District.

§27-1505, Height Restrictions for the HI Heavy Industrial District and the HI-MU Heavy Industrial-Mixed Use District.

§27-1506. Mixed Use Development Regulations, 1. Declaration of Legislative Intent, is amended to change the reference to “HI Heavy Industrial District” to “HI-MU Heavy Industrial-Mixed Use District”

§27-1506. Mixed Use Development Regulations, 2. Development Standards. A. Minimum Acreage, is amended to change the minimum lot area from 4 to 2 acres.

Section 11. Part 19, Signs, is amended as follows:

§27-1902. Definitions, is amended to revise the definitions of “Temporary sign” and “Projecting sign” to read as follows:

Temporary sign—any sign as defined above with or without a structural frame, erected or placed with the intention that the display shall be for a limited duration, not to exceed 30 consecutive days and not more than 45 days per calendar year. Subject to 27-1904 and 27-1905.

Projecting sign—a sign mounted perpendicular to a building wall, upright surface of a mansard roof or other decorative roof, or other vertical building surface. The leading edge of a projecting sign shall not extend more than 3 feet from the wall or surface to which the sign is affixed, nor in any way shall the projecting sign interfere with normal pedestrian or vehicular traffic. Projecting signs may not be internally illuminated

And to add the following definitions under *Types of signs*, in alphabetical order:

Awning sign - a device placed over a store front, door or window and used for shade or protection from weather and to advertise the attached business, an awning may or may not be retractable.

Historic marker— Signs, markers, monuments or memorial tablets erected by duly authorized public or nonprofit organizations which may be erected in any zoning district with the approval of Borough Council.

Window/Door Signs - signs in the windows/doors of businesses that advertise products and services. The message may be changed. Window/door signs may not obscure more than 20% of the window/door and count toward the total allowable sign square footage on the lot.

§27-1903. General Permanent Sign Regulations, is amended as follows:

§27-1903.3 is amended to read as follows:

3. Signs erected by a duly constituted governmental body including traffic signs and similar regulatory notices shall be allowed within the right-of-way. No other sign shall be permitted within rights-of-way without the approval of the Borough Council.

Sections 6 through 11 of §27-1903 are renumbered 7 through 12 and a new section 6 and a new section 13 are added to §27-1903 to read as follows:

6. Awning Signs - Awning depth may not exceed four feet nor may awnings extend into the pedestrian walkway more than three feet. The lowest point of any awning must be a minimum of 96 inches above the pedestrian walkway. Awnings shall not extend over any vehicular right of way.

13. Total sign area allowable in a non-residential district – The total sign area allowable for all signs, excluding billboards, on any one lot in a non-residential district shall be limited to 2 square feet for each lineal foot of primary frontage. When a lot in a non-residential district has frontage on two or more streets, the total allowable sign area may be increased by one and on-half times the total allowable area calculated for the primary frontage. No single sign, excluding billboards, in a non-residential district shall exceed 25 square feet.

§27-1905. Additional Sign Regulation by Zoning District, is amended as follows:

§27-1905.D. O Office District is amended to revise “Ali” to “All”.

§27-1905.D.(4) is amended to read as follows:

(4) The total sign area permitted for all permitted signs erected on any one lot shall be 2 square feet for each lineal foot of street line on the primary frontage, except where a lot abuts two or more street lines, in which case the total sign area shall be computed at one and one-half times the total sign area permitted for the primary frontage. No single permitted sign shall exceed 25 square feet.

§27-1905.E.(3) is amended to read as follows:

(3) The total sign area allowable for all permitted signs erected on any one lot shall be 2 square feet for each lineal foot of primary frontage. When a lot has frontage on two or more streets the total allowable sign area may be increased by one and one-half times the total allowable area calculated for the primary frontage. No single permitted sign shall exceed 25 square feet.

§27-1905.E.(7) is amended to read as follows:

(7) Permanent parallel and permanent projecting signs shall be permitted in accordance with the provisions of §27-1902.F of this Part. Permanent projecting signs shall not project more than 36 inches into any required yard area or over any pedestrian walkway. The lowest point of any projecting sign must be a minimum of 96 inches above the pedestrian walkway. Projecting signs shall not extend over any vehicular right of way.

§27-1905.E.(8) is amended to read as follows:

(8) Awnings, canopies, projecting signs or marquees, in excess of the limitations of this part 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 by special exception by the Zoning Hearing Board. When considering the application for special exception, the Zoning Hearing Board shall insure that the awning, canopy or marquee is 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.

§27-1905.E.(9) is amended to add: "(48 inches of unobstructed path)" after "Signs shall not permitted to obstruct pedestrian traffic".

A new Section (11) is added to 27-1905.E, to read as follows:

(11) Window/door signs as per this section.

§27-1905.F.(3) is amended to change “approval” to “review”.

§27-1905.F. is amended to add new sections (6) and (7) to read as follows:

(6) The total sign area allowable for all permitted signs erected on any one lot shall be 2 square feet for each lineal foot of primary frontage. When a lot has frontage on two or more streets the total allowable sign area may be increased by one and one-half times the total allowable area calculated for the primary frontage. No single permitted sign shall exceed 25 square feet.

(7) Window/door signs as per this section.

§27-1905.G. is amended to delete (3) and renumber (4) as (3) and to add a new section (4) to read as follows:

(4) The total sign area allowable for all permitted signs erected on any one lot shall be 2 square feet for each lineal foot of primary frontage. When a lot has frontage on two or more streets the total allowable sign area may be increased by one and one-half times the total allowable area calculated for the primary frontage. No single permitted sign shall exceed 25 square feet.

Section 12. Part 20, Off-Street Parking and Loading and Outdoor Storage Areas, is amended as follows:

§27-2005.B. is amended to read as follows:

B. They shall be all weather and properly graded for drainage; and maintained in good condition, free of weeds, dust, trash, and debris.

Section 13. Part 21, Nonconforming Buildings, Structures, Uses and Lots, is amended as follows:

§27-2101.2 is deleted in its entirety and replaced with the following:

2. Extension.

a) Any lawful nonconforming use of a portion of a building may be extended throughout the building.

- b) Any lawful nonconforming building may be altered or extended, provided the alteration or extension does not result in a new violation of this ordinance or increase the extent of the existing nonconformity.
- c) Any building of which a lawful nonconforming use is made may be extended up to 25% upon the lot occupied by such building, provided the alteration or extension does not result in a new violation of this ordinance or increase the extent of the existing nonconformity.

§27-2104, Temporary Nonconforming Use, is amended to replace "1 month" with "3 months" and to replace "Zoning Hearing Board" with "Zoning Officer"

Section 14. Part 23, Zoning Hearing Board, is amended as follows:

§27-2316, Expiration of Special Exceptions and Variances, is amended to replace "6 months" with "12 months".

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 28 day of January, 2012.

Approved by the Borough Council of the Borough of Hatboro, this 28 day of January, 2012.

Attest:


ALFRED ZOLLERS, Secretary

BOROUGH OF HATBORO


JOHN ZYGMONT, Council President

Examined and approved as an Ordinance this 28 day of January, 2012.


NORM HAWKES, Mayor