HATBORO BOROUGH

Montgomery County, Pennsylvania

ORDINANCE No. 1074

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF HATBORO, CHAPTER 27 (ZONING), PART 12 (RC-2 RETAIL COMMERCIAL DISTRICT), ADDING A NEW USE – " TOWN CENTER MIXED-USE OPTION" TO SECTION 27-1202 (USE REGULATIONS); ADDING A LOT AREA EXCEPTION FOR THE TOWN CENTER MIXED-USE OPTION TO SECTION 27-1203; ADDING A HEIGHT EXCEPTION FOR THE TOWN CENTER MIXED-USE OPTION TO SECTION 27-1204; ADDING A NEW SECTION 27-1208 (DEVELOPMENT REGULATIONS FOR TOWN CENTER MIXED-USE, OPTION); PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough of Hatboro ("Borough") desires to amend the Code of Ordinances of the Borough, so as to advance the general public welfare and to protect a higher quality of life for all Borough residents, business owners and visitors;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hatboro, as follows:

SECTION. I **Amendment to Code.**

The Code of the Borough of Hatboro, Chapter 27 (Zoning), Part 12 (RC-2 Retail Commercial District), Section 27-1202 is hereby amended by renumbering the following uses in subsection 1., adding a new conditional use "Town Center Mixed-Use Option" as subsection 1.K(3)., and deleting subsection 1.N. as follows:

K. The following uses shall be permitted when authorized by Council as conditional use, subject to the provisions of applicable sections of this chapter:

(1) Housing for the elderly, subject to additional standards as set forth in Part 16 of this chapter.

(2) Mid-rise apartments, subject to development regulations as set forth in § 27-1206 of this Part.

(3) Town Center Mixed- Use Option, subject to development regulations as set forth in §27-1208 of this Part.

L. 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.

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% 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 with the exception of the Town Center Mixed-Use Option permitted under §27-1208.

SECTION. II **Amendment to Code.**

The Code of the Borough of Hatboro, Chapter 27 (Zoning), Part 12 (RC-2 Retail Commercial District), Section 27-1203.1. is hereby amended as follows:

1. Lot Area. A lot area of not less than 5,000 square feet shall be permitted in the RC-2 Commercial District, except as provided in § 27-1206 and §27-1208 of this chapter.

SECTION. III **Amendment to Code.**

The Code of the Borough of Hatboro, Chapter 27 (Zoning), Part 12 (RC-2 Retail Commercial District), Section 27-1204.1.A is hereby amended as follows:

2. The maximum height of any building or structure erected or enlarged in this district shall be:

    A. For any permitted use: 35 feet, except as otherwise permitted in § 27-413, § 27-1206, Subsection 1H, and § 27-1208, Subsection 1.I.(1). of this chapter.

SECTION. IV **<u>Amendment to Code.</u>**

The Code of the Borough of Hatboro, Chapter 27 (Zoning), Part 12 (RC-2 Retail Commercial District), is hereby amended by adding a new Section 27-1208 titled "Development Regulations for Town Center Mixed-Use Option", as follows:

§27-1208 Development Regulations for Town Center Mixed-Use Option.

1. Town Center Mixed-Use Option may be permitted in the RC-2 District subject to the following standards:

    A. Frontage. The property must have frontage on York Road and be located between Byberry Road and Montgomery Avenue.

    B. Distance to train station. A portion of property must be located within 1500 feet of the train station building.

    C. Lot Width. A lot width of not less than 100 continuous feet measured at the minimum building setback of the York Road frontage.

    D. Lot Area. A minimum lot area of 25,000 sf.

    E. Mix Requirement.

        (1) A Town Center Mixed-Use Development shall consist of mid-rise apartments and non-residential uses on the same lot.
        (2) Permitted non-residential uses shall include any use permitted in §27-1202.1.A.,B.,C., and D. and may include office, community or amenity space related to the residential use
        (3) Non-residential uses shall be located on the first-floor space fronting on York Road and shall be no less than 30 feet in

depth. Apartments shall not be located within the first floor York Road frontage space.

(4) No more than 40% of the non-residential space fronting on York Road shall contain office(s), community or amenity space related to the residential use.

F. Density. The maximum permitted density shall be 30 units per gross acre measured across the entire site. Density may be increased when a height bonus is approved by Borough Council in accordance with §27-1208.1.I.(1). In no case shall the maximum density be greater than 75 dwelling units per gross acre.

G. Coverage. The maximum impervious coverage shall be 85% of the total site area. The impervious coverage may be increased when a height bonus is approved by Borough Council in accordance with §27-1208.1.I.(1). In no case shall the maximum impervious coverage exceed 95%.

H. Setbacks.

(1) Setback from Streets. The minimum building setback from York Road shall be 9 feet, the maximum building setback from York Road shall be 20 feet. The setback shall be measured from the curbline to the building facade. The minimum building setback from any side street intersecting York Road shall be 8 feet, the maximum building setback from any side street intersecting with York Road shall be 14 feet. The setback shall be measured from the curbline to the building facade. The maximum setback from York Road may be increased up to an additional 20 feet when a landscaped public plaza is located between the building and the curbline.

(2) Side Setback. The minimum side building setback shall be 0' if there is an existing shared party wall, otherwise, the minimum building setback shall be 6 feet from a property line bordering a non-residential district. The minimum building setback from a property line bordering a residential district shall be 25 feet.

(3) Rear Setback. The minimum rear building setback shall be 6 feet from a property line bordering a non-residential district. The minimum building setback from the right-of-way of a

rear road frontage bordering a non-residential district shall be 14 feet. The minimum building setback from a property line or the right-of-way of a rear road frontage bordering a residential district shall be 25 feet.

(4) Distance between buildings. In the case of two or more buildings on the same lot in a Town Center Mixed-Use Option development, the horizontal distance between any two buildings, measured from the building foundation wall at the nearest point to the nearest adjoining building foundation shall not be less than twice the height of the taller building.

(5) Accessory Building/Structure 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 four feet from any side property line. No accessory building may be erected nearer than eight feet from any other existing building on the same or adjoining lot. Provision must be made for the disposal of roof water onto the same lot or directly to the nearest storm sewer.

I. Height of Buildings. No building in a Town Center Mixed-Use development shall exceed the height of 35 ft., or three stories (exclusive of any parapet walls, rooftop HVAC, antennas, or other similar equipment), except as follows:

(1) Building Height Bonus. Bonuses shall encourage sustainable practices and implementation of the Comprehensive Plan. Town Center Mixed-Use development buildings may qualify for a maximum 25 feet of additional building height in exchange for a combination of bonus features in Table 12-1. Each bonus shall only be used once. A building shall not be greater in height than 4 stories or 50 feet when abutting a residential district. A building shall not be greater in height than 5 stories or 60 feet when abutting a non-residential district.

(2) Bonus Height Step back. Any floor(s) above the third story shall be stepped back 8 feet from the lower-level facade in the front of the building. The façades of floors above the third floor shall have a change in color and/or materials.

(3) Table 12-1, Building height bonus features.

Table 12-1. Building Height Bonus Features

Bonus Feature	Bonus Feature Standard	Bonus Height
Preservation and adaptive reuse	Must preserve and reuse an existing historic structure or façade, as listed on the Hatboro Historic Resources Registry. Significant buildings may be added to the registry subject to the Historic Preservation Overlay.	15 feet
Structured parking	Structured parking is provided within the building footprint for at least 45% of the required parking spaces.	15 feet
Green or blue roof	The green and/or blue roof shall cover at least 50% of the net roof area (the total gross area minus areas covered by mechanical equipment). Such roofs shall be designed and installed under the direction of a professional with demonstrated expertise in green roof design and construction. Vegetation on a green roof must be maintained for the life of the building. The green or blue roof shall conform to the best available technology standards, such as those published by LEED.	15 feet
Re-use significant architectural elements from the original structure.	Must include at least three significant elements from the original structure such as decorative carving, metal work, signage, or machinery.	5 feet
Alternative fuel	At least six electric vehicle charging spaces open to the public shall be provided. The charging spaces shall be in addition to the minimum required parking.	5 feet

Alternative energy sources	Install a solar, or geothermal power-generation facility that is designed to provide at least 15% of the expected annual energy use for the building. The facility shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities.	5 feet
Public Spaces	A public park, public plaza or public open space in excess of 2000 square feet	10 feet
Public Parking Spaces	(1) 20 or more off-street public parking spots (2) 10- 19 off-street public parking spots The public parking spaces shall be in addition to the minimum required parking.	10 feet 5 feet
York Road streetscape amenities	Qualifying amenities (shall meet the Borough's approved specifications): (1) New public pedestrian access easements. (2) Improvements to existing pedestrian connecting passageways. (3) Balconies fronting on York Road. At least 75% of the units facing York Road shall have balconies. To qualify the balconies shall a minimum depth of 5 feet. Balconies shall not encroach into the public right-of-way. (4) Seating area. Provide an area for seating and landscaping on York Road.	Five feet of bonus height for each streetscape amenity.

	The seating area shall be no less than 6 feet deep and must leave a clear distance of no less than 10 feet between the edge of the seating area and the curbline. The total proposed streetscape amenities package must be approved by Borough Council with the recommendation of the Borough Planning Commission.	
Sustainable design practices	Qualifying techniques: (1) Greywater reuse for site irrigation or toilet flushing. (2) Roof rainwater harvesting for site irrigation or other use on site. (3) Installation of a "cool roof" by applying a reflective color or material endorsed by the Cool Roof Rating Council to reflect the sun's heat away from the building. (4) Shared driveways with one or more abutting lots. Proposed shared driveways must provide a cross access easement acceptable to the Borough Solicitor. All qualifying technique systems shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities in order for the height bonus to apply.	Five feet of height bonus for any two of the qualifying techniques.

J. Apartments.

(1) Studio or efficiency apartments shall have a minimum of 525 square feet.

(2) One bedroom apartments shall have a minimum of 700 square feet.

(3) Two bedroom apartments shall have a minimum of 1,000 square feet.

(4) Three bedroom apartments shall have a minimum square footage of 1,200 square feet.

K. Parking. Parking shall be provided for each proposed use according to the following:

(1) Retail or personal service uses: 1 space per 200 square feet of store sales floor area plus 1 space for each employee on the largest shift.

(2) Restaurant, café, bar, or tavern: 1 space per 75 square feet of customer area plus 1 space for each employee on the largest shift.

(3) Office, community, or amenity space related to the residential use shall not require additional parking.

(4) Three bedroom apartments: 2.0 spaces per unit.

(5) One, and two bedroom apartments: 1.5 spaces per unit.

(6) Studio apartments: 1.25 spaces per unit.

(7) Surface parking shall be located to the side and/or rear of the building. Parking shall not be permitted between the curbline and the front façade of a building.

(8) The minimum off-street parking requirements may be satisfied in whole or in part, in addition to as otherwise provided in Part 20, either on-lot or by adjacent public or

private parking lot which the Mixed-Use Town Center property has the right to use by easement or contractual agreement.

(9) On-street parking spaces directly in front of the property may be credited toward the non-residential parking requirement.

(10) Parking may be reduced by conditional use up to 10% provided the Applicant submits a parking study, prepared by a traffic engineer, and can demonstrate that a reduction is warranted and will not have a negative impact on the surrounding area.

L. Access and Traffic. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving Mixed-Use Town Center development without undue congestion to or interference with normal traffic flow. The Applicant shall submit a traffic impact study in accordance with §22-802 of the Borough Subdivision and Land Development Ordinance. No additional vehicular curb cuts shall be permitted along York Road. The Borough Planning Commission shall satisfy itself as to the adequacy of the surrounding public streets and highways to carry additional traffic generated by the Mixed-Use Town Center development, as well as the adequacy of street frontage of the proposed Mixed-Use Town Center development; and shall address their findings to the Borough Code Enforcement Officer and to Borough Council before any permit is issued

M. Service. Areas for loading and unloading of delivery trucks and other vehicles and for the collection of refuse, delivery of fuel and other service shall be provided as specified in Part 20 herein and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities. At the discretion of Borough Council, a designated service area may not be required where the development includes three (3) or more drive aisles (for access to public streets) allowing for alternative vehicle circulation routes. Service areas shall not be located along the York Road frontage.

N. Refuse and Recycling Materials. All waste generated within any Mixed-Use Town Center development shall be the responsibility of the property owner and addressed in the association or condominium

declaration. These materials shall be the sole responsibility of the owner(s) or their association and its membership.

(1) Setback. All trash facilities located outside of the building shall be at least 25 feet from any property line.
(2) Screening. All trash facilities located outside of the building shall be screened with a six-foot high solid fence (not chain link) or screen wall each to be accompanied by a six-foot wide evergreen landscape buffer to provide a year-round visual screen. The evergreen screen shall have a minimum three-foot plant material height at installation.

O. Building Design.

(1) Buildings shall be designed to be compatible with the massing and form of the surrounding buildings.

(2) Building facades shall be designed to incorporate architectural details to create visual interest such as vertical and horizontal breaks, balconies, bay windows, cornices, changes in color and materials, and other elements.

(3) All building walls, including exposed party walls, shall be designed as a façade with details such as masonry course, moldings, blank windows, or similar elements. The use of unfinished concrete block on exterior walls is prohibited.

(4) Building facades greater than 75 feet wide shall contain vertical building breaks of no less than 3 feet.

(5) Roof mounted HVAC, mechanical, electrical, communication and service equipment shall not be visible from York Road, including sidewalks and neighboring properties. Roof mounted equipment shall be fully screened on all sides using similar building materials in a manner that is consistent with the architectural design of the building. All HVAC, mechanical, electrical, communication, and service equipment that is not roof-mounted shall be located to the rear or side of the building. This equipment shall be fully screened on all sides by walls.

(6) The developer shall provide architectural renderings depicting the following: a perspective view of the building from York Road showing the façade and streetscape, in addition, elevations of all sides of the proposed building(s). The renderings shall be in color and indicate the mass, form, color, and materials of the proposed building(s).

P. Amenities. The developer shall provide either indoor or outdoor amenities, which may include, a gathering area, gymnasium, recreational facilities, or other similar features necessary for the comfort and convenience of the residents. Such amenities may be located in the required non-residential first floor space of the York Road frontage provided they do not take up more than 40% of the required non-residential first floor space.

Q. Utilities. The Mixed-Use Town Center development shall be served by a public sanitary sewage disposal system and public water supply. All utility lines (electric, telephone, TV cable, etc.) serving a mid-rise apartment shall be placed underground

R. Lighting Facilities. Lighting facilities shall be provided as needed and shall be arranged in a manner which will protect public streets and highways, and neighboring properties from glare or hazardous interference of any kind. Lighting facilities shall be required when deemed by the Borough Planning Commission necessary for the safety and convenience of mid-rise apartment residents. All lighting shall comply with §22-711 of the Subdivision and Land Development Ordinance.

S. Conflicts. In the case of a conflict between this section and other sections of this Chapter, the provisions of this section shall apply.

SECTION. V. **Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision herein shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of the Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION. VI. **Repealer.**

All other ordinances or resolutions or parts thereof insofar as they are inconsistent with the Ordinance are hereby repealed.

SECTION. VII. **Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

Ordained and exacted, by the Council Members of Hatboro Borough, Montgomery County, Pennsylvania, this 23RD day of JANUARY, 2023.

ATTEST: **HATBORO BOROUGH COUNCIL**

By: **Diane Hegele**, *Secretary*

By: **George Bollendorf**, *President*

[Seal]

APPROVED:

By: **Timothy Schultz**, *Mayor*