

NEW HOPE BOROUGH
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE BOROUGH OF NEW HOPE, BUCKS COUNTY, PENNSYLVANIA, AMENDING SECTION 275-6 OF, ADDING SECTION 275-38E.(1) TO, AND DELETING SECTION 275-47 FROM, THE NEW HOPE BOROUGH ZONING ORDINANCE ["ZO"] TO PROHIBIT ROOFTOP DECKS WITHIN ALL ZONING DISTRICTS; AMENDING ZO SECTION 275-37.1.E(3)[d] UPDATING REGULATIONS FOR THE RIVERFRONT CULTURAL DISTRICT; AMENDING ZO SECTIONS 275-38 UPDATING AREA AND DIMENSIONAL REQUIREMENTS;

WHEREAS, the New Hope Borough Council ("Council") has enacted the New Hope Borough Zoning Ordinance, which, *inter alia*, provides regulations for development within the Borough, and;

WHEREAS, Council has determined it is in the best interest of the Borough to amend the regulations to prohibit rooftop decks on all buildings within the Borough;

WHEREAS, Council has determined that the prohibition of rooftop decks on all buildings within the Borough will assist in maintaining the character, aesthetic, and visual nature of buildings in the Borough and will promote, protect and facilitate the public health, safety, and the general welfare through coordinated and practical community development;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the New Hope Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows, revised as follows:

- I. §275-6 of the New Hope Borough Zoning Ordinance, "Terms Defined" is hereby amended as follows to include and amend the following definitions:

ROOFTOP DECK: A flat or nearly flat platform located on the roof of a building, designed and intended for use as an outdoor area for occupancy, recreational space, assembly, dining, or similar activities. This includes decks that are open, partially covered, or fully covered by a roof or similar structure.

- II. §275-38 of the New Hope Borough Zoning Ordinance, "Area and dimensional requirements" is hereby amended as follows:

"Area and dimensional requirements" is hereby amended to read "Area and Dimensional Requirements, and Prohibited Structures"

B.(1) is hereby amended to read: No building, structure, or use shall occupy any portion of a required front, side, or rear yard except as specifically provided in this chapter. This restriction applies to all buildings, structures, uses, accessory structures, parking areas, outdoor activities, and outdoor displays.

B.(5) is hereby amended to read: Where a minimum width for side and rear yards is specified in this chapter, no building or structure shall be erected, and no use shall be permitted within the required setback from either the side lot line or rear lot line, except for fences or walls of six feet or less in height.

For residential properties and uses, only uncovered and unenclosed decks and patios may extend into a required rear yard, but not by more than six feet. Such decks and patios must be at ground

level (i.e., no higher than two feet above the surrounding ground level). Any deck or patio higher than two feet above ground level must be located within the required building setback lines and may not encroach into any required yard.

For nonresidential uses, all decks and patios must be located within the required building setback lines and may not extend into required yard areas.

III. §275-38 of the New Hope Borough Zoning Ordinance is hereby amended to add:

E. Prohibited Structures.

(1) Rooftop decks are prohibited in all Zoning Districts within the Borough.

IV. §275-47 of the New Hope Borough Zoning Ordinance, "Lot coverage requirements; intrusions into required yard setback areas." is hereby DELETED in its entirety.

V. §275-37.1 of the New Hope Borough Zoning Ordinance, "Riverfront Cultural District (Overlay)" is hereby amended as follows:

E.(3)(d) The trail, promenade and/or riverwalk shall be located as close to the edge of the floodway of the Delaware River as possible, but in all cases shall comply with the provisions of §275-43 of this chapter regarding floodplain regulations. The provisions of §275-38 of this chapter shall not apply to the required trail, promenade and/or riverwalk.

VI. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the invalidity.

VII. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance, the New Hope Borough Zoning Ordinance, or the Code of Ordinances of New Hope Borough.

VIII. This Ordinance, as revised, shall become effective immediately following its legal enactment.

ENACTED and ORDAINED this 21 day of October 2025

ATTEST:

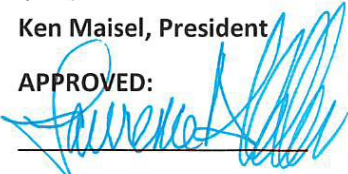


Peter Gray, Borough Manager



Ken Maisel, President

APPROVED:



Laurence D. Keller, Mayor