

HATBORO BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1052

AN ORDINANCE OF THE BOROUGH OF HATBORO, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, ZONING, OF THE HATBORO CODE OF ORDINANCES TO AMEND CERTAIN PARKING SPACE REQUIREMENTS, REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 27 of the Code of Ordinances, Borough of Hatboro, Montgomery County, Pennsylvania regulates Zoning in the Borough; and

WHEREAS, Borough Council desires to amend the Zoning Ordinance to change parking space requirements in the Borough; and

WHEREAS, such changes will ensure adequate parking facilities, both on public streets and off-street; and

WHEREAS, the amendment to will further protect the public health, safety and welfare of the residents, property owners, business owners and visitors to the Borough.

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

I. Chapter 27, Part 202 of the Code of Ordinances of Hatboro Borough is hereby amended as follows:

Chapter 27. Zoning

Part 2: DEFINITIONS

§ 27-202. Definition of Terms.

OFFICE

MEDICAL OFFICE

An office for the provision of medical, dental, and veterinary services including the services of a doctor, nurse, medical technician, dentist, veterinarian, or chiropractor, and the services of any assistants as are necessary to perform the service. This shall exclude urgent care facilities, dialysis centers, outpatient medical treatment centers and any other specialized medical services as defined in

PROFESSIONAL OFFICE

An office or studio for a teacher, artist, counselor, insurance agent, architect, landscape architect, musician, lawyer, engineer, real estate office or other such professional who may see customers, teach, or tutor from the office. This shall exclude medical or health care offices or personal service shops. A maximum of 10% of the office space may be used for related retail sales.

BUSINESS OFFICE

A business or administrative office use not regularly serving customers.

SHOP FOR PERSONAL SERVICES

A commercial use which requires direct, physical contact with the customer including barbershops, hair salons, nail salons, beauticians, estheticians, tattoo parlors, massage parlors and tanning salons.

Part 4: General Regulations

§ 27-408 Accessory Uses.

1.C. The following uses may be authorized by special exception [...]

(1) Use of principal or accessory permanent building as a medical, professional, or business office with a maximum of four employees. At least one of the employees must live in the premises.

Part 8: R-3 Residential District

§ 27-802 Use Regulations.

1.D. Any of the following uses when authorized by special exception:

(2) Medical, professional, or business office use in a residential development

Part 9: R-4 Residential District

§ 27-902 Use Regulations.

1.E. Any of the following uses when authorized by special exception:

(2) Medical, professional, or business office use in a residential development.

Part 10: O Office District

§ 27-1002. Use Regulations.

1.A. Office Buildings: Office uses shall include, but not be limited to, the following:

(1) Medical office.

(2) Professional office.

(3) Business office.

(4) Funeral home or mortuary.

Part 11: RC-1 Retail Commercial District

§ 27-1102 Use Regulations

1.D. Medical, professional, or business office; bank or financial institution; public utility office; passenger station for public transportation.

Part 12: RC-2 Retail Commercial District

§ 27-1202 Use Regulations.

1.D. Medical, professional, or business office; bank or financial institution; public utility office; passenger station for public transportation.

Part 14: LI Limited Industrial District

§ 27-1402 Use Regulations.

1.F. Professional or business offices.

Part 15: HI Heavy Industrial District/HI-MU Heavy Industrial – Mixed Use District

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

1.E.c.1.a.1.c Medical, professional, or business office; bank or financial institution. [conditional use in HI-MU]

Part 20. OFF-STREET PARKING AND LOADING AND OUTDOOR STORAGE AREAS

§ 27-2001. Required Off-Street Parking Facilities.

Any building or other structure erected, altered, used, or occupied, or any lot used or occupied for any of the following purposes shall be provided with minimum off-street parking spaces as

set forth below, together with adequate passageways, driveways, or other means of circulation and access to a street or way. Such spaces shall have a minimum area of 162 square feet, shall measure nine feet wide by 18 feet in length and shall be surfaced so as to be usable for parking. Parking areas shall be arranged so that any vehicle exiting therefrom may do so without backing onto a public street.

Except in the case of one- and two-family dwellings, no parking area shall be established with less than three spaces. When a number is calculated as a fraction, it shall be rounded to the nearest whole number. Other commercial and business uses for which required parking is not specifically enumerated in this section shall provide one parking space for every 150 square feet of gross floor area or portion thereof, except when authorized as a special exception consistent with the requirements set forth herein for comparable establishments.

§ 27-2002. Residential Uses.

1. For single-family detached homes, two all-weather parking spaces per dwelling on the lot therewith (garage space(s) may be included as part of the required number of spaces).
2. For two-family homes, two all-weather parking spaces per dwelling unit on the lot therewith (including garage space or spaces as part of the required number of spaces).
3. For townhouses, garden apartments, mid-rise apartments, or multi-family dwellings, two all-weather parking spaces per dwelling unit subject to additional parking requirements of Part 8 of this chapter.
4. For a rooming house two all-weather parking spaces (including garage space or spaces as part of the required number of spaces) plus one additional parking space for each room for rent.
5. For any permitted accessory use under § 27-408, Subsection 1B(6), of this chapter, there shall be required one parking space for each 200 square feet of floor space used for the permitted accessory use, plus one parking space for each employee. These parking spaces shall be in addition to the required two spaces for residential use.
6. For mixed use development involving the reuse and conversion of an existing building the total number of off-street parking spaces shall not be less than the sum of the following requirements:
 - A. Two off-street parking spaces shall be required for each dwelling unit with two bedrooms and 2 1/2 spaces for three or more bedrooms.
 - B. Two off-street parking spaces shall be required for each dwelling unit with one bedroom.
 - C. One and one-half off-street parking spaces shall be required for each studio type dwelling unit.
 - D. No additional parking shall be required for indoor recreation facilities or other accessory uses, provided that its use is solely for the residents of the development.
 - E. The off-street parking requirement may be satisfied by:
 - (1) Off-street parking spaces located on any lot within 100 feet of the mixed use development. Any off-lot parking areas shall either be owned by the owner of the mixed use development lot or reserved by perpetual easement in favor of the owner of the mixed use development lot.
 - (2) Any on-street parking spaces immediately along the frontage of the lot on which the mixed use development is permitted.
7. Parking for Active Adult Community. Two off-street spaces per dwelling unit must be available within the complex. In addition one space shall be mandated for each staff

member of this housing complex. Spaces within an on-site garage shall be included in the total of available spaces. Parking shall be arranged so as to limit through traffic.

§ 27-2003. Office and Industrial Uses.

Square footage shall include all floor space devoted to office use including lavatories, closets, stairwells, and access halls. Basements used for storage, utility rooms, and attics used for storage may be excluded from the calculated floor space.

1. Medical Office: 1 space per 250 square feet.
2. Professional Office: 1 space per 300 square feet.
3. Business offices: 1 space per 400 square feet.
4. Motor Vehicle Service: one space per 400 square feet of floor area OR 5 spaces per service bay, whichever is greater.
5. Warehouse or self-storage use: one space per 750 square feet.
6. Laboratory, manufacturing, or other industrial establishments: one space for every 500 square feet of gross leasable floor area excluding office space. Office uses must follow office requirements.

§ 27-2004. Commercial Uses.

1. Retail store or shop: one parking space for every 200 square feet of store sales floor space.
2. Department store or supermarket: one parking space for every 200 square feet of store sales floor space.
3. Convenience Store:
 - a. One space for every 200 square feet of store sales floor space.
 - b. If a convenience store is greater than 4,000 square feet and sells made to order take-out foods, one parking space shall be required for every 75 square feet of gross patron floor area.
4. Shop for personal services: one space per 200 sq. ft. of gross floor area devoted to customer sales and/or service.
5. Fuel/Gas station 0.5 parking spaces per pump.
6. Laundromat: one space per three washing machines.
7. Additional Requirements for Commercial Uses
 - a. One additional space shall be required if lottery tickets are sold on the premises.
 - b. One additional space shall be required if one or more ATMs are present.

§ 27-2005. Hotel Uses.

1. Hotel, motel or tourist home: 1.25 spaces for each rental unit.

§ 27-2006. Restaurant Uses.

1. Restaurant, cafe, bar, or tavern: one space for every 75 square feet of customer area.

§ 27-2007. Entertainment and Recreation Uses.

1. Stadium or other similar place of assembly: one parking space for every four seats.
2. Indoor theater: one parking space for every four seats.
3. Bowling alley: four spaces per lane
4. Arcade, gym or athletic facility, or other indoor recreational, athletic, or amusement establishment: one space per 250 square feet of floor area.

§ 27-2008. Institutional Uses.

1. Religious institution; mortuary or funeral home; public auditorium, assembly, or meeting room; or other similar place of public or private assembly: one parking space for every five seats provided for public assembly OR one space per 100 square feet of assembly area, whichever is greater.
2. School - Public/Private: 2 spaces per elementary school and middle school classroom, 8 spaces per high school classroom.
3. Community center, library, or museum: one parking space for every 800 square feet of floor area in public use.
4. Hospital, convalescent home, or health care facility providing overnight stays: one parking space for every four beds.
5. Institutional home: one parking space for every 10 occupants.
6. Club or fraternal organization: 1 parking space for every 100 square feet of floor area in public use.
7. Open areas used for commercial purposes: one parking space for every 1,500 square feet of area or fraction.

§ 27-2009. Off-Street Parking Reductions.

1. Required off-street parking may be reduced by up to 100% with the following provisions in the following zoning districts: RC-1, RC-1, and O.
 - A. Required off-street parking may be reduced by up to 50% if the main entrance of the non-residential use is located within 750 feet of a municipally owned parking lot containing short term shopper parking and/or daily business district parking.
 - B. The number of required off-street parking spaces may be reduced by the number of on-street parking spaces provided directly along the frontage of the property on the same side of the street. If spaces are not delineated, one parking space may be counted for every 20 feet of curb line along the frontage of the property where legal parking is permitted.
 - C. The number of required off-street parking spaces may be reduced by up to 25% with on-street parking spaces within 300 feet of the building's main entrance. Only short-term shopper parking spaces may be counted towards this requirement.
 - D. Required off-street parking may be reduced by up to 50% for a nonresidential use located in a historically significant structure.
 - E. Transit Reduction.
 - (1) Required off-street parking may be reduced up to 5% if the main entrance is located within 1,200 feet of a passenger rail station.
 - (2) Required off-street parking may be reduced up to 2% if the main entrance is located within 750 feet of a bus stop.
2. Requirements for off-street parking may be met in part or in full through a lease agreement or other arrangement with a parking area on another lot located within 750 feet of the main entrance. This provision shall be subject to the following conditions and standards:
 - A. No land located in any Residential Zoning District shall be counted towards parking reductions, except for municipally owned parking lots containing short term shopper parking and/or daily business district parking.
 - B. Safe, direct pedestrian access must be available to and from the off-lot parking area via public sidewalks, crosswalks, and/or other pedestrian accessways.

- C. Adequate security lighting of at least 1.5 foot candles at ground level shall be provided for all off-lot parking areas and along the full length of pedestrian accessways. Lighting must comply with all requirements in the Subdivision and Land Development Ordinance.
- D. Signage shall be provided to direct employee and customers/clients to the off-lot parking spaces.
- E. Off-lot parking areas shall either be owned by the owner of the principal use lot, or leased by said owner for a term equivalent to the life expectancy of the principal use or the principal use building or 20 years whichever is greater, or reserved by perpetual easement in favor of the owner of the principal use lot.
- F. Once established, the off-lot parking area and number of parking spaces provided shall not be reduced, modified, abandoned, or sold separately from the principal use lot. Any change which affects any of the conditions or standards imposed by this section shall be immediately reported to the Zoning Officer. Any change which results in the loss or reduction of off-lot parking permitted hereunder, shall immediately require a proportionate discontinuation of a corresponding portion of the principal use area.

§ 27-2010. Shared Parking.

- 1. Shared parking is permitted for one property with multiple uses and/or between multiple properties. A shared parking agreement, including a contractual agreement between users, is required. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots or redesigning internal traffic circulation and pedestrian walkways.
- 2. Users shall be required to show shared parking is less than 750 feet from the use.
- 3. The minimum amount of shared parking required shall be calculated according to the following formula:
 - a. Calculate the minimum amount of parking required for each land use as if it were a separate use.
 - b. To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods.
 - c. Calculate the column total for each of the six time periods.
 - d. The column (time period) with the highest value shall be the minimum parking requirement for the shared uses together.

USES	Weekday (Monday at 8 AM to Friday at 6 PM)			Weekend (Friday at 6 PM to Monday at 8 AM)		
	8 A.M. – 6 P.M.	6 P.M. – Midnight	Midnight – 8 A.M.	8 A.M. – 6 P.M.	6 P.M. – Midnight	Midnight – 8 A.M.
Residential	60%	100%	100%	80%	100%	100%
Medical Office	100%	30%	5%	100%	10%	5%
Other Office and Industrial	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Entertainment	40%	100%	10%	80%	100%	30%
Institutional (non-religious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%

- Interconnected parking areas. New parking areas on abutting nonresidential lots shall be constructed to allow interconnectedness by access driveways. Each nonresidential lot shall provide cross -access easements for its parking areas and access driveways guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

§ 27-2011. Fee in Lieu of Parking Requirements for Nonresidential Uses

- Applicants should endeavor to use all of the above methods to provide the necessary parking. If a new nonresidential use or change in use cannot meet the minimum off-street parking requirements for a proposed property or use, Borough Council may, through a conditional use hearing, allow the payment of a fee in lieu of parking per parking space through an annual zoning use permit to meet all or part of the off- street parking requirement. The condition shall be that the applicant has exhausted other options for meeting the parking requirements as listed in this chapter.
- The fee shall be payable in accordance with the Borough Council's administrative policies for zoning use permits.
- Said fee (annual zoning use permit) may be adjusted in the future should, at any time, the landowner provide some or all of the required parking.
- The fee in lieu shall be an annual fee per space for each parking space reduction requested. The fee amount shall be in accordance with a fee schedule adopted from time to time by resolution of the Borough Council upon the enactment or as such schedule may be amended by resolution of the Borough Council.
- Said fee in lieu and all interest earned thereon shall be placed in the Borough Parking Fund, which shall be held in an interest-bearing account in a bank authorized to receive deposits of Borough funds.
- The fee shall be collected when a land development agreement is finalized or, if not land development agreement is required, before final building permits are issued, and annually from thereon.
- The Borough Parking Fund shall be used for:
 - Planning, land acquisition, engineering and design, development, construction and financing of a new parking facility; or
 - Non-routine capital repairs, expansion and debt service on an existing municipal parking facility.
- The Borough Parking Commission shall make recommendations to Borough Council as to the use of the Borough Parking Fund.

§ 27-2012. Additional Design Requirements for Nonresidential Parking Lots, and Parking Lots Required in Residential Districts Under Permitted Accessory Use.

1. All nonresidential parking lots and parking lots required in residential districts for permitted accessory use, shall be operated and maintained in accordance with all the following conditions.
 - A. They shall not be used for the sale, repair, or dismantling of any vehicles, equipment, materials, or supplies.
 - B. They shall be all-weather and properly graded for drainage; and maintained in good condition, free of weeds, dust, trash, and debris.
 - C. They shall be provided with entrances and exits so located as to minimize traffic congestion and the effect of headlight glare.
 - D. They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the parking lot.
 - E. Lighting facilities shall be so arranged that they do not disturb occupants of adjacent residential properties or interfere with traffic, either by reason of location or glare.
 - F. A planting strip shall be provided along each property line which is opposite or adjacent to a residential district, on which shall be planted hedge, evergreens or other suitable shrubbery, so arranged as to minimize noise, glare, and dust. The planting strip and other required landscaping and design for parking areas shall comply with all regulations in the Subdivision and Land Development Ordinance, and the Specifications and Design Standards.
 - G. There shall be no more than one attendant shelter building containing not more than 50 square feet of floor area, which building shall be set back a distance of not less than 20 feet from any boundary of the parking lot which abuts a residential district.
 - H. Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit. All pedestrian accessways shall meet ADA requirements for accessibility.

§ 27-2013. Bicycle Parking.

Every use requiring more than ten off-street parking spaces shall provide one bicycle parking space for every ten spaces required.

§ 27-2014. Nonconforming Status.

1. Nonconforming status. Existing land uses which are nonconforming with respect to the parking requirements established herein shall be exempt from compliance unless an addition, alteration, or change in use occurs. Existing non-conformities are recognized with respect to both the number of existing parking spaces and the size of existing parking spaces.
 - A. Additions: When a use which is nonconforming with respect to parking is increased with an addition to the property or structure, parking must be provided for the additional use area according to the provisions expressed herein. The existing use area may continue to operate without increasing parking provisions for that use, provided the number of parking spaces originally existing is not reduced in number or size.
 - B. Alterations: When a use which is nonconforming with respect to parking is changed through an alteration to property, structure or use, the alteration may not reduce the amount of parking originally available in either number or size of spaces. An alteration which generates increased use or demand on the premises

may only occur provided the required number of parking spaces for the increased use or demand is installed on the site.

- C. Change in Use: When a parcel, property, structure or use which is nonconforming with respect to parking requirements is changed to a different use classification as described herein, the change may only occur provided corresponding parking requirements can be achieved, including any reductions as permitted by this chapter.

§ 27-2015. Required Off-Street Loading and Unloading Space.

- 1. In any district off-street loading berths shall be provided on the same lot as the building, and shall be so arranged that they may be used without blocking or interfering with the use of accessways or vehicle parking facilities, in accordance with the following schedule:
 - A. Off-Street Loading Berth Requirements.
 - (1) Schools of 15,000 square feet or more: one loading berth.
 - (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.
 - (4) Each loading berth shall be not less than 12 feet wide, 56 feet long, and 14 feet high or larger if necessary to contain completely the vehicles using them, and may occupy all or any part of any required side or rear yard, except that portion which is required to be used for buffer area.
 - (5) In no event shall any vehicle loading or unloading remain on the property in excess of 12 hours.
 - B. Outdoor Storage Areas. Areas used for outdoor storage shall not abut existing residential areas, a residential street or any residential district.

§ 27-2016. Reserve Parking

- 1. Where the requirements of this chapter specify a larger number of parking spaces than the applicant anticipates a need for, the requirements of this chapter may be reduced only by the use of the reserve parking method, under the following requirements:
 - A. The total number of spaces required may be reduced up to 50% by the Zoning Officer, upon the recommendation of the Borough Planning Commission and Engineer.
 - B. The applicant shall provide proof of reduced parking needs to the Borough Engineer for review.
 - C. A written agreement shall be executed by the owner and Borough Council and shall be a covenant running with the land. The agreement shall include the number and location of the spaces in reserve.
 - D. A sufficient area of the applicant's site shall be held in reserve as green space for construction of the remainder of the required spaces. All stormwater engineering shall be designed based on total parking requirements including the reserve.
 - E. Parking capacity will be re-evaluated by the Borough Engineer and the Code Enforcement Officer on an ongoing basis. If determined necessary by the

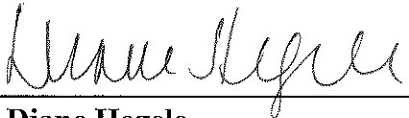
Borough Engineer or Code Enforcement Officer, the Zoning Officer may require the construction of some or all of the reserve parking spaces.

- F. The applicant shall establish an escrow account that provides a financial guaranty to cover the full costs of engineering and construction of the reserve parking spaces for a period of 36 months following the issuance of the final certificate of occupancy for the development.
- II. 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 or on the Code of Ordinances of Hatboro Borough.
- III. This ordinance shall be effective immediately upon its legal enactment by the Borough Council of the Borough of Hatboro.

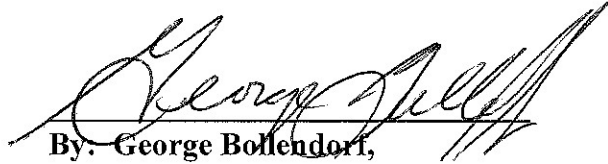
Ordained and enacted, by the Council Members of Hatboro Borough, Montgomery County, Pennsylvania, this 19 day of NOVEMBER, 2018.

ATTEST:

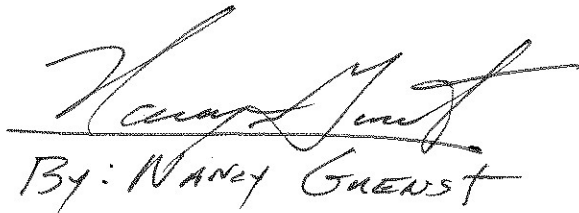
HATBORO BOROUGH COUNCIL



By: Diane Hegele,
Borough Manager



By: George Bollendori,
President



By: Nancy Guest