

**NEW HOPE BOROUGH
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE BOROUGH OF NEW HOPE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEW HOPE BOROUGH ZONING ORDINANCE: TO REVISE SECTION 275-31 GOVERNING REGULATIONS FOR THE "CC CENTRAL COMMERCIAL DISTRICT"; TO ADD SECTION 275-23.C. "MULTI-USE BUILDING" AS A USE REGULATION UNDER SECTION 275-23 COMBINED DEVELOPMENT USES AND AS A "PRINCIPLE USE BY RIGHT" UNDER SECTION 275-31; AND TO ADD NEW DEFINITIONS TO SECTION 275-6 PERTAINING TO REVISIONS TO SECTION 275-31 AND THE ADDITION OF SECTION 275-23.C.

WHEREAS, the New Hope Borough Council ("Council") has enacted the New Hope Borough Zoning Ordinance specifically relating to CC Central Commercial District ("CC District"); and

WHEREAS, the purpose of the CC District is to allow for and/or retain a mix of residential and nonresidential uses that preserve historic buildings, and nonresidential uses for the residents, visitors, and tourists to enjoy; and to control bulk and height to maintain the small, historic Delaware River town scale within the District; and

WHEREAS, Council has determined that it is in the best interest of the Borough to allow for and/or retain such uses and features, and to encourage commercial uses at street level consistent with such features; and

WHEREAS, Council has determined that it is in the best interest to of the Borough to regulate such uses and features that reflect the Borough's uniqueness;

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:

I. Section 275-31 of the New Hope Zoning Ordinance is hereby amended as follows:

§ 275-31. CC Central Commercial District.

- A. Purpose. The purpose of the CC District is to allow for a mix of residential and nonresidential uses which preserve historic buildings; allow for and/or retain nonresidential uses to serve the residents of the Borough; allow for and/or retain nonresidential uses for visitors and tourists to enjoy; and control bulk and height to maintain the small, historic Delaware River town scale.
- B. Uses permitted. A building or structure may be erected or altered to be used either in whole or in part and a lot may be used or occupied for any one of the following uses and no other, provided that every use, building, and structure shall comply with all applicable

regulations of this chapter, including but not limited to yards, lot area, lot width, building area and height, impervious surface, buffers, easements, off-street parking, and other requirements as specified by this chapter.

- (1) Principal uses by right.
 - (a) The use in § 275-13E, forestry.
 - (b) The use in § 275-14H, bed-and-breakfast.
 - (c) The use in § 275-15A, religious use.
 - (d) The use in § 275-15E, public recreation facility.
 - (e) The use in § 275-17A, retail.
 - (f) The use in § 275-17B, service business.
 - (g) The use in § 275-17P, financial establishment.
 - (h) The use in § 275-17L, retail food shop. [Added 6-15-2010 by Ord. No. 2010-03]
 - (i) The use in § 275-17T, market. [Added 3-15-2016 by Ord. No. 2016-01]
 - (j) The use in § 275-23C, multi-use building.
- (2) Uses permitted by right, above the street-level story.
 - (a) The use in § 275-15F, private club.
 - (b) The use in § 275-16A, general office.
 - (c) The use in § 275-16B, government office.
 - (d) The use in § 275-16D, medical office.
- (3) Accessory uses by right.
 - (a) The use in § 275-22A, no-impact home business.
 - (b) The use in § 275-22B, accessory office.
 - (c) The use in § 275-22C, accessory building, structure, or use.

- (d) The use in § 275-22D, temporary structure or use.
 - (e) The use in § 275-22F, outside storage.
 - (f) The use in § 275-22I, accessory boarders and lodgers.
 - (g) The use in § 275-22E, temporary tent or canopy.
- (4) Uses by special exception. The following uses shall be permitted by special exception only when authorized by the Zoning Hearing Board and when all conditions of Article IV, Use Regulations, are met.
- (a) The use in § 275-19B, utilities.
 - (b) The use in § 275-22H, vending machine.
- (5) Conditional uses. The following uses shall be permitted when authorized as a conditional use by the Borough Council and when all conditions of Article IV, Use Regulations, and Article XI, § 275-76, General conditions, are met. [Amended 8-8-2007 by Ord. No. 2007-09]
- (a) The use in § 275-17I, inn. [Added 5-19-2020 by Ord. No. 2020-01]
 - (b) The use in § 275-17S, village restaurant.
 - (c) The use in § 275-17D, restaurant.
 - (d) The use in § 275-23C, multi-use building with a § 275-17S, village restaurant or a § 275-17D, restaurant.

C Area and dimensional requirements. All uses shall comply with the area and dimensional requirements listed in this section, unless a different area or dimensional requirement is stated in Article IV, Use Regulations, for the specific use, in which case the requirements of Article IV shall apply.

- (1) All permitted uses, except the use in § 275-17T, market: [Amended 3-15-2016 by Ord. No. 2016-01]
- (a) Minimum lot area: 4,000 square feet
 - (b) Maximum impervious surface coverage: 70%.
 - (c) Maximum building coverage: 50%.
 - (d) Minimum lot width at street line: 40 feet.
 - (e) Maximum building height: 35 feet.

- (f) Minimum yards (setbacks):
 - [1] Front: 10 feet.
 - [2] Side (each): six feet.
 - [3] Rear: 15 feet.
- (g) Build-to line (maximum setback): 15 feet.

(2)The use in § 275-17T, market: [Added 3-15-2016 by Ord. No. 2016-01]

- (a) Minimum lot area: 0.5 acre.
- (b) Minimum floor area of building: 7,500 square feet.
- (c) Maximum floor area of building: 20,000 square feet.
- (d) Maximum impervious surface coverage: 70%.
- (e) Maximum building coverage: 70%.
- (f) Minimum lot width at street line: 40 feet.
- (g) Maximum building height: 35 feet.
- (h) Minimum yards (setbacks):
 - [1] Front: six feet.
 - [2] Side: zero feet, aggregate 12 feet.
 - [3] Rear: 10 feet.
- (i) Build-to-line (maximum setback): 15 feet.

II. § 275-23 of the New Hope Zoning Ordinance governing Use regulations is amended to allow for a Multi-use building by the addition of paragraph C. as follows:

§ 275-23. Combined development uses.

C. Multi-use building. A mix of retail and consumer service uses, business and office uses, in combination with residential uses occupying one building. New construction of a multi-use building, conversion of a building to a multi-use building, or expanding an existing multi-use building is subject to the following conditions:

- (1) Nonresidential uses permitted in the multi-use building shall be limited to the following:
 - (a) The following uses are permitted by right within a multi-use building:

- [1] The use in § 275-15A, religious use.
 - [2] The use in § 275-17A, retail.
 - [3] The use in § 275-17B, service business.
 - [4] The use in § 275-17L, retail food shop.
 - [5] The use in § 275-17P, financial establishment.
 - [6] The use in § 275-22A, no-impact home business.
- (b) The following uses are permitted by right within a multi-use building above the street-level story only:
- [1] The use in § 275-15F, private club.
 - [2] The use in § 275-16A, general office.
 - [3] The use in § 275-16B, government office.
 - [4] The use in § 275-16D, medical office.
- (c) The following uses shall be permitted, within a multi-use building as a conditional use and when all conditions of Article IV, Use Regulations, and Article XI, § 275-76, General conditions, are met.
- [1] The use in § 275-17S, village restaurant
 - [2] The use in § 275-17D, restaurant
- (2) Residential dwelling units within a multi-use building.
- (a) Residential dwelling units shall meet the following requirements:
- [1] Residential dwelling units shall only be permitted above the street-level story.
 - [2] Residential dwelling units shall include two bedrooms or fewer.
 - [3] Entrances to the residential dwelling units shall be separated from the entrances to the nonresidential uses.
 - [4] Each residential dwelling unit shall contain its own bathroom and kitchen facilities and be used or intended to be used for living, sleeping, cooking, and eating by one family.
- (3) The building footprint of proposed residential space shall be above the street level-story of a multi-use building and cannot exceed the building footprint of the nonresidential space on the street-level story.

- (4) When residential space is added to an existing multi-use building an equal or greater amount of nonresidential space must also be added, subject to the dimensional requirements for the zoning district and the structural capabilities of the existing building. If the nonresidential space cannot be added, the residential space cannot be added.
- (5) If any part of an addition to a nonresidential street-level story is below the ceiling of the nonresidential street-level story, that part of the addition shall be nonresidential.
- (6) All permitted uses associated with a multi-use building shall be conducted within a completely enclosed building unless expressly authorized. This requirement does not apply to required parking or loading areas, automated teller machines or outdoor seating.
- (7) In the event of the conversion, expansion of an existing building to a mixed-use building or the construction of a new mixed-use building, the applicant must apply for and receive a certificate of appropriateness for any exterior changes to the building, visible from the public-right-of way, per Chapter 10, the HARB ordinance.
- (8) Off-Street Parking.
 - (a) No minimum number of off-street parking spaces are required for nonresidential uses unless such uses exceed 3,000 square feet of gross floor area. Parking is required for the area above 3,000 square feet based on the parking standards for the individual nonresidential uses found in § 275-56.
 - (b) For residential uses, the following number of off-street parking spaces shall be required:
 - [1] Efficiency: 1.0 spaces per unit
 - [2] One bedroom: 1.0 spaces per unit
 - [3] Two bedrooms: 1.5 spaces per unit
 - (c) The number of required off-street parking spaces shall be the greater of the number required in § 275-23.C.(8)(a) and (b) above.
 - (e) Off-street parking shall not be permitted in the front of a multi-use building.
 - (f) Off-street parking areas shall be visually screened from adjacent buildings and the street by landscaping, fences, or walls. Landscaping shall meet the requirements of § 275-40.F, Buffer and Landscape requirements. Fences and walls shall require a certificate of appropriateness per Chapter 10, the HARB ordinance, if visible from the public right-of-way.

III. New definitions are added to § 275-6 of the New Hope Zoning Ordinance:

Street-level story

The story that contains the main entrance(s).

Main entrance

Within the CC Central Commercial Zoning District, the entrance(s) to non-residential space on the façade of a building that faces, or has access to East Bridge Street, West Bridge Street, East Ferry Street, West Ferry Street, North Main Street, South Main Street, East Mechanic Street, West Mechanic Street, or Stockton Avenue.

Building footprint

The area that is the outer edge of the outside walls of a building, delineated by the line where the ground meets the outside walls but excluding open porches, decks, patios, balconies, steps or stoops.

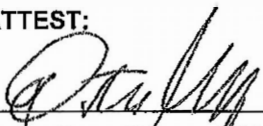
IV. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.


V. 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.

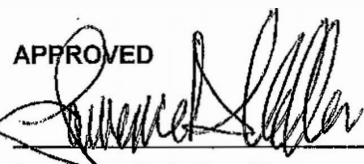
VI. This Ordinance, as revised, shall become effective five (5) days following its legal enactment.

ENACTED and ORDAINED this 15TH day of AUGUST, 2023.

ATTEST:


Peter Gray, Borough Manager


Connie Gering, President

APPROVED

Laurence D. Keller, Mayor