

Part 15
HI HEAVY INDUSTRIAL DISTRICT/HI-MU HEAVY INDUSTRIAL – MIXED USE DISTRICT

§ 27-1501. Declaration of Legislative Intent. [Ord. 761, 8/26/1985, § 1500; as amended by Ord. 1015, 1/28/2013]

In expansion of the "Declaration of Legislative Intent" contained in § 27-103 of this chapter and the "Community Development Objectives" contained in § 27-105 of this chapter, it is hereby declared to be the intent of the HI Heavy Industrial District and the HI-MU Heavy Industrial – Mixed Use District to provide for a variety of manufacturing, fabricating, and processing plants with adjunctive office facilities in the Borough of Hatboro.

§ 27-1502. Use Regulations for HI Heavy Industrial District and HI-MU Heavy Industrial – Mixed Use District. [Ord. 761, 8/26/1985, § 1501; as amended by Ord. 967, 5/22/2006, §§ 4, 5, and 6; and by Ord. 1015, 1/28/2013]

1. 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:

A. Permitted Uses:

- (1) All uses permitted in LI Limited 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, Subsection 6.

B. Any of the following uses shall be permitted only by a special exception:

- (1) Municipal incinerator.
- (2) Manufacture, processing, or commercial storage of paint, petroleum, or gas.
- (3) Manufacture, storage, and/or sale of approved building materials, including, but not limited to, lumber, masonry materials, and roofing.

- (4) Storage and/or sale of coal.
 - (5) Nonferrous foundries, processing of rubber, and plastic products.
 - (6) Any other use which is, or may be in comparable degree to any of the foregoing, noxious or offensive by reason of dust, odor, fumes, smoke, gas, vibrations, illumination, or noise, or which is or may be dangerous to the public health, welfare, or safety, or which constitutes a public hazard, whether by fire, explosion, or otherwise.
- C. Prohibited Uses.
- (1) Hotel, tourist home, rooming house, motel, or motor court.
 - (2) Refining of oils or rendering of fats, bones, or oils.
 - (3) Manufacture of sauerkraut, vinegar, or yeast.
 - (4) Roasting of coffee, spices, or soybeans.
 - (5) Milling of flour.
 - (6) Drying, smoking, pickling, preserving, or curing of meats or fish.
 - (7) Automotive and allied sales and services. Service stations, repair shops, used car and truck sales, automotive parts and accessories, new car and truck sales, boat and marine sales, trailer sales, heavy equipment, and/or farm implement sales, bicycle and motorcycle shop.
- D. Any applicant for special exception for any of the uses specified in Subsection 1B shall have the burden of showing to the satisfaction of the Zoning Hearing Board that provision is made to reduce or minimize the noxious, offensive, dangerous, or hazardous feature or features thereof to the point where they are not offensive or dangerous to public health, safety, and welfare.
- E. The following use shall be permitted as a conditional use in HI-MU Districts only:
- (1) Mixed use development, subject to the standards and procedures set forth in § 27-1506. Each mixed use development shall consist of at least two of the following uses:
 - (a) Multi-family dwellings, and at least any one of the following uses:
 - 1) Any of the following uses permitted in the RC-1 Retail Commercial District, which shall not exceed in the aggregate 15% of the total floor area of the building or buildings, excluding basements and garages.
 - a) Retail sale of dry goods, general merchandise, clothing, food, flowers, beverages, pharmaceuticals, household supplies, or furnishings. Any retail uses shall be limited to the ground floor.
 - b) Restaurant, tearoom, cafe, or similar establishment serving food and

beverage, and having facilities for the indoor seating of their patrons, but without drive-in or drive-through service. Any restaurant uses shall be limited to the ground floor.

- c) Business or professional office, studio, bank, and financial institution.
 - 2) Parks, playground, tot lots, and open space.
 - 3) Indoor recreation facility, provided that its use is solely for the residents of the development.
 - 4) Child day care center when authorized as a special exception.
- (2) The development shall consist of at least 85% residential use of the floor area and no more than 95% residential use of the floor area. Floor area shall be measured from the interior faces of the perimeter wall. Floor area shall include lavatories, closets, stairwells, access halls, fully enclosed porches and basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least seven feet. There shall be no more than five nonresidential uses.

§ 27-1503. Area, Width, and Yard Regulations for HI Heavy Industrial District and HI-MU Heavy Industrial – Mixed Use District. [Ord. 761, 8/26/1985, § 1502; as amended by Ord. 1015, 1/28/2013]

1. Lot Area and Width. No individual lot shall be less than 20,000 square feet with a minimum width of 75 feet measured at the building line.
2. Front Yard and Yards on All Street Frontages. Except as otherwise provided in §§ 27-1504 and 27-1505, the required front yard and yard on all street frontages shall be 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 a right-of-way line to the nearest wall of the principal building.
3. Side Yards. Except as otherwise provided in Subsection 2 and in §§ 27-1504 and 27-1505, there shall be two side yards each of which shall be not less than 10 feet in width.
4. Rear Yard. Except as otherwise provided in §§ 27-1504 and 27-1505, the required rear yard shall be 25 feet measured from the building foundation wall at the nearest point to the rear property line. A rear yard is that yard directly opposite the front yard.
5. Building Coverage. No more than 75% of the total lot area may be occupied by buildings.

§ 27-1504. Exceptions for Side and Rear Yards for HI Heavy Industrial District and HI-MU Heavy Industrial – Mixed Use District. [Ord. 761, 8/26/1985, § 1503; as amended by Ord. 1015, 1/28/2013]

1. In no case shall any building or structure be erected closer than 150 feet to any residential district. The area within 25 feet of the property line shall be maintained as green area; and shall be planted with evergreens which will screen the property from the residential area.

2. Where a railroad separates a residential district from an HI Heavy Industrial District, the required yard area parallel to such railroad shall be not less than 25 feet and this area may be used for parking.

§ 27-1505. Height Restrictions for HI Heavy Industrial District and HI-MU Heavy Industrial – Mixed Use District. [Ord. 761, 8/26/1985, § 1504; as amended by Ord. 1015, 1/28/2013]

1. The maximum height of any building or structure erected or enlarged in this district shall be 45 feet, and for every foot in height over 35 feet there shall be added to each yard requirement one foot.
2. The Zoning Hearing Board may by special exception allow the height of any building or structure to be increased to 60 feet, or the height of conveyors, water towers, chimneys, stacks, communication antennae, and transmission towers to be increased to such height as may be warranted.

§ 27-1506. Mixed-Use Development Regulations. [Ord. 761, 7/26/1985; as added by Ord. 967, 5/22/2006, § 7; and amended by Ord. 1015, 1/28/2013]

1. Declaration of Legislative Intent. In expansion of the "Declaration of Legislative Intent" contained in § 27-103 of the chapter and the "Community Development Objectives" contained in § 27-105 of this chapter, it is hereby declared to be the intent of this section with respect to mixed use development regulations to establish reasonable incentives to encourage the redevelopment of buildings into safe and adequate multi-family housing and limited commercial uses when applied for as a conditional use to the Borough Council, solely in the HI-MU Heavy Industrial – Mixed Use District. The development of a variety of residential, commercial, and recreational uses in the aforementioned district shall serve to replace economically and socially outdated industrial land uses with mixed uses beneficial to the public health, safety, and welfare. Furthermore, it is the intent of this section to set forth those standards which will ensure that mixed use development in the Borough of Hatboro will provide appropriate safety features, as well as ancillary recreational and community facilities as an integral part of the development concept. Finally, it is the intent of this section to provide for different standards of dwelling unit density, parking space requirements, and open space areas to increase the opportunity for the development of such mixed uses in the Borough through private, public, or semi-public means, while providing necessary standards and controls to ensure that the mixed use development and accessory uses will not exert an adverse impact on surrounding neighborhoods or the Borough of Hatboro.
2. Development Standards. The following development standards for mixed use development shall apply:
 - A. Minimum Acreage. A minimum lot area of two acres shall be required.
 - B. Maximum Density. A maximum density of 20 dwelling units per acre shall be permitted, provided that a maximum density of 35 dwelling units per acre shall be permitted for any reuse and conversion of an existing building. The Borough Council shall retain the sole discretion to determine whether an existing building shall be retained and reused, and whether the maximum density of up to 35 dwelling units per

acre shall be permitted as part of the conditional use application. In the alternative, the Borough Council may limit the maximum density to 20 dwelling units per acre to a specific application even though an existing building(s) or part thereof are being, or shall be, retained. **[Amended by Ord. 1020, 4/14/2014]**

- C. Building Coverage. Not more than 60% of the lot area of each mixed use development may be occupied by buildings.
- D. Impervious Coverage. Not more than 85% of the lot area of each mixed use development may be occupied by impervious surfaces.
- E. Setbacks from Public Streets, Highways, and Property Lines. Setbacks from any applicable street lines or property lines which adjoin the mixed use development, measured from the nearest foundation wall to the applicable property line or street lines, shall be as specified in § 27-411 and § 27-1503, except:
 - (1) Existing nonconforming buildings and structures, which may be continued as specified in § 27-2101, Subsection 1.
 - (2) For any use listed in § 27-1502, Subsection 1E(1)(a)1), a terrace, deck, platform, or landing and its associated roof or canopy covering which does not extend above the level of the first floor of the building, may be located within the front yard but shall be not less than five feet measured from the right-of-way line.
- F. Distance Between Buildings. Except in the case of existing nonconforming buildings and structures, which may be continued as specified in § 27-2101, Subsection 1, the horizontal distance between any two buildings, measured from the building foundation wall at the nearest point to the nearest adjoining building foundation wall, shall not be less than twice the height of the taller building, except:
 - (1) For any two exterior facing walls, neither of which have any windows serving a dwelling unit, the minimum distance between the buildings shall be at least 1/2 the height of the taller building.
- G. Height of Buildings. Except in the case of existing nonconforming buildings and structures, which may be continued as specified in § 27-2101, Subsection 1, no building in a mixed use development shall exceed 40 feet in height and no more than three stories, not including the basement.
- H. Buffer Area. The mixed use development shall be effectively screened from any adjoining nonresidential uses from view, through the proper use and layout of walls, fences, or permanent landscaping as approved by Borough Council. Except in the case of the reuse and conversion of an existing building, the buffer area shall have a minimum width of 20 feet.
- I. Recreation and Open Space; Amenities. The developer shall be required to maintain not less than 20% of the tract in usable open space for the provision of recreational and leisure time activities and facilities for the benefit of the residents.
 - (1) Usable open space shall include all land used for recreation, resource protection,

amenities, or buffers, which is freely accessible to all residents of the mixed use development.

- (2) Any area of usable open space shall have a minimum area of 1,000 square feet and a minimum dimension of 30 feet; provided, that in the case of the reuse and conversion of an existing one building, any area of usable open space shall have a minimum area of 500 square feet and a minimum dimension of 10 feet.
 - (3) Such open space may include improvements and impervious surface coverage to the extent that such is an element of the particular open space use and serves a related function, whether as courtyards or pedestrian walkways.
 - (4) Landscaped areas within off-street parking areas (and public rights-of-way) are specifically excluded as usable open space.
 - (5) Streetscaping. Applicant will provide a plan and narrative on how the applicant will conform to the Elm Street Plan for streetscape improvements.
- J. Other Development Standards. The mixed use development shall provide public improvements, such as sidewalks, shade trees, fences, hedges, walls, streetlights, benches, and other streetscape features which are in accordance with the design standards of the Comprehensive Plan and Revitalization Study, as approved by Borough Council. The proposed mixed use development shall also be developed in accordance with the requirements specified in §§ 27-1205, Subsection II through L, and § 27-1205, Subsection IO, of this chapter, to the extent not inconsistent with the requirements of this section.
3. Procedures. Applications for approval of a conditional use under this section shall be made to Borough Council, which shall apply the standards and requirements set forth in this section, after first holding a public hearing, at which a full opportunity to be heard shall be given to any citizen and all parties in interest. The burden of proof shall, at all times, be on the applicant. The application for conditional use shall, in addition to all other information required, provide the information required by § 27-2503 and shall comply with the special exception standards of 53 P.S. § 10912 and § 27-2310 of this chapter. In addition to seeking the opinion and advice of the Borough Planning Commission, the Borough Council shall, at least 60 days prior to the public hearing on the conditional use application, seek the opinion and advice on the merits of the proposal of the Montgomery County Planning Commission, the Montgomery County Housing Authority and other technical and professional advisory agencies knowledgeable on the subject, in order to more effectively evaluate the adequacy of the proposed development. Upon the request of Borough Council, the applicant shall submit:
- A. A traffic impact and/or off-street parking study by a qualified traffic engineer and/or transportation planner with previous traffic impact and off-street parking study experience.
 - B. A Phase I Environmental Site Assessment (ESA) conducted in accordance with current ASTM 1527 standards or standards promulgated by federal or state authority (e.g., EPA All Appropriate Inquiry standards).
 - C. Phase II Environmental Site Assessment(s) and any similar additional environmental

studies, work plans, remediation plans, environmental data, etc., as required by the Borough Engineer pursuant to commonly accepted standards to characterize the site's environmental condition considering the proposed reuse.

4. Plan Submission Requirements. The following information shall be shown on the plans submitted for approval as part of the conditional use application, in addition to the information required to be submitted under the Land Development and Subdivision Ordinance [Chapter 22] for a major subdivision:
 - A. Floor area (in square feet) of all multi family dwelling units.
 - B. Number of bedrooms per dwelling unit.
 - C. Total number of dwelling units.
 - D. Total number of acres in the proposed plan.
 - E. Total number of off-street parking spaces.
 - F. Exterior vertical and horizontal building dimensions.
 - G. Total ground area of each building.
 - H. All safety features included in each building required by this chapter, other ordinances of the Borough, and by other governmental agencies.
 - I. Preliminary architectural designs of principal buildings.
 - J. Landscape design standards and streetscape improvements.
 - K. Feasibility of required utility services.
 - L. Location of employee parking for secondary uses.