

B. In undivided property, the district boundary lines on the zoning map shall be determined by use of the scale of the zoning map.

C. When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations as to the use in the less restrictive district shall extend over the portion of the lot in the more restricted district, a distance not to exceed 50 feet beyond the district boundary line; provided, that in case of a lot, other than a corner lot, the regulations as to the use in a less restricted district may extend a distance of more than 50 feet beyond the district boundary line, when authorized as a special exception.

D. If there is a question as to location of any district boundary, line, or other line, then in that event, Borough Council shall designate the location of the district boundary line or other line.

#### **§ 27-304 Federal and State Property**

Whenever federal- or state-owned property or property owned by any federal or state agency, or any political subdivision thereof, is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

## **Part 4 | General Regulations**

### **§ 27-401 Introduction**

For the purposes of this chapter the following regulations shall govern each and every district.

### **§ 27-402 Lots of Record**

A lot which is of public record in single and separate ownership at the time of enactment of this chapter which is not of sufficient size or dimension to permit the erection of a building thereon in accordance with the requirements of this chapter, and provided the Zoning Hearing Board finds the necessary additional ground is not available because of the settled condition of the neighborhood, or because of inability of the owner to acquire additional ground upon fair terms, the Zoning Hearing Board may grant a variance for the use of such parcel of ground upon such conditions as the Zoning Hearing Board may specify.

### **§ 27-403 Reduction of Lot Area**

No lot shall be so reduced that the area of the lot, or the dimensions of the required open space shall be less than herein prescribed.

### **§ 27-404 Subdivision Plan of Lots of Record**

A lot which does not conform to the regulations of the district in which it is located and which is included in a recorded plan of lots heretofore approved under the provisions of the Land Subdivision Ordinance [Chapter 22] of the Borough of Hatboro and its supplements and amendments, shall not be used unless the regulations of the district are met, unless such recorded subdivision plan was approved by the Borough Council of the Borough of Hatboro within one year preceding the effective date of this chapter, or a variance is obtained from the Zoning Hearing Board.

### **§ 27-405 Obstruction to Vision at Intersections and Driveways Prohibited**

1. On any lot adjacent to an intersection, in an area between the curb or the paved area of any street and the building line, no fence, wall, fencehedge, or other structure shall be erected, altered, or maintained between the height of three feet and nine feet above the street curb level or the mean street level, whichever is greater.

2. At locations where a driveway or other accessway intersects a public right-of-way, no fence, wall, hedge, or structure shall be erected, placed, planted or allowed to grow within the first ten

feet of the front yard for a distance of three feet on either side of the driveway such that it obstructs the visibility of drivers in the driveway.

#### **§ 27-406 Access to Public Street or Highway**

No building or structure may hereafter be erected or altered on any lot situated without frontage on a public street or highway unless there is direct access to that lot from a public street or highway through a permanent right-of-way. Such right-of-way shall be at least 25 feet wide with a paved cartway not less than 10 feet wide for a single-family dwelling, or not less than 16 feet wide for two-way traffic for any other type of building or structure.

#### **§ 27-407 Existing Interior Lots**

An existing lot for which access to a public street or highway is by a strip of land less than 25 feet wide may be built upon only when authorized by a variance. In computing the area of such lots, the area of the strip of ground connecting the lot with the public street or highway shall be used as an access strip only to the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public street or highway for use as an access driveway and shall insure that any such driveway will not generate dust. The Zoning Hearing Board may impose such other conditions as may be required.

#### **§ 27-408 Accessory Uses**

1. Accessory uses authorized in this chapter shall include, but not be limited to, the following:

A. Uses accessory to land cultivation, including lawns, flower and vegetable gardens, and including the preparation of garden products for use by the residents.

B. Uses accessory to a dwelling, none of which shall exceed 15 feet in height except as permitted in § 27-413 of this chapter:

[Amended by Ord. 1015, 1/28/2013; by Ord. 1020, 4/14/2014; and by Ord. 1039, 10/10/2016]

(1) Use of private garage for the storage of private motor vehicles, and the routine maintenance of private vehicles owned by the occupant of the premises.

(2) Use of private swimming pools both in-ground and on-ground for the use of the occupant and guests of the occupant of the premises.

(3) Use of storage sheds for tools and garden equipment, or the general storage of household goods and equipment.

(4) Use of nonpermanent buildings or structures as a children's playhouse, shelter for domestic pets, birdhouses, or other similar use. No such building or structure, except birdhouses, may be erected in a tree or trees. No such structure may exceed 32 square feet.

~~(5) Use of permanent buildings as living quarters for household employees, caretakers, or watchman, provided that the building meets standards of current building and occupancy codes for occupancy.~~

C. The following uses may be authorized by special exception granted by the Zoning Hearing Board. Authorization is subject to a finding by the Zoning Hearing Board that the exception will not cause any change in the character of the residential neighborhood, that parking and traffic flow will not overburden existing streets and parking facilities, and that the majority of residents within 500 feet of the property in question have no objection to the intended use. All applications

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, and provided that in no case shall it extend into such front or rear yard more than one-half the existing depth of the yard.
- B. A terrace, deck, platform, or landing, not covered by a roof, canopy, or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40% of the existing depth or width of the yard.
- C. A carport may be erected over a driveway in such a required side yard; provided, that such structure is:
- (1) Not more than 14 feet in height and 20 feet in length.
  - (2) Entirely open on all sides except where, attached to a building, exclusive of the necessary supporting columns and the customary architectural features.
  - (3) Does not extend closer to the side, lot line than the distance permitted for an accessory use building in the zoning district in which the carport is erected.
- D. Open fire escapes or steps, bay windows, and balconies may project not more than three feet into any required yard.

#### **§ 27-412 Fences, ~~and Walls, and Hedges~~**

1. ~~The following regulations shall apply to all~~~~Except as otherwise provided by this chapter,~~ no fence, ~~or wall, or hedge~~ ~~except as otherwise provided by this chapter:~~
  - A. ~~All fences, walls, or hedges shall be erected on the subject property. All fences shall be erected with the finished side of the fence facing adjacent properties or streets. The finished side shall be considered the side without the structural supporting members.~~
  - B. ~~No fence, wall, or hedge~~ over six feet in height shall be erected within any open spaces required by this chapter.
  - C. ~~;~~ ~~and further, n~~ ~~No fence, or wall, or hedge~~ over four feet in height shall be permitted forward of the building line.
  - D. ~~;~~ ~~and~~ ~~Any such~~ fence or wall ~~so~~ erected forward of the building line shall contain openings therein equal to 50% or more of the surface area of the fence or wall ~~unless satisfying a requirement for screening.~~
  - E. ~~No barbed wire, string wire or electrically charged fence, or any similar devices, shall be erected in any location on any lot or parcel of land in residential districts or in otherwise in residential use.~~
  - F. ~~No fences, walls, or hedges shall be erected inside a drainage easement or in a manner that would impact proper drainage.~~
  - G. ~~All fences, walls, hedges or other similar structures shall be maintained by the property owner. Property owners shall be responsible for maintaining the appearance of the fence, wall, hedge or other similar structure in such a manner that there are no missing boards or slats, cracks, open gaps, overgrowth, leaning sections, crooked posts, missing blocks or bricks, cracked or crumbling blocks or bricks, and the structural integrity of the fence, wall or other similar structure must be maintained by the property owner at all times.~~
  - H. ~~A permit fee shall be set, from time to time, by resolution of Borough Council.~~
2. ~~Street Walls. For any decorative fence or masonry wall constructed to~~ ~~satisfy~~ ~~landscape buffer~~ ~~screening~~ requirements for the screening of vehicular use areas or to ~~provide an enhanced pedestrian environment, the following criteria shall apply:~~

- A. A street wall shall be constructed within five feet (5') of the sidewalk.
- B. If a fence, the fence shall be 36"—42" in height; it shall be constructed of wood, wrought-iron, or all-weather material designed to appear as wood (chain link fence is prohibited).
- C. If a wall, it shall be 30"—36" in height; it shall be constructed of brick, stone, or stucco, and be capped with brick or stone. Decorative landscaping, benches, bike racks, and/or bus shelters may be constructed between the sidewalk and street wall.
- D. — For a street wall consisting of both fence and wall components, the wall material shall be 12"—36" in height and the fence portion shall not exceed 42" in height as measured from the ground.

#### **§ 27-413 Height Exception**

1. Exceptions to the maximum height specified in each district shall be governed by the following:

A. In all districts, chimneys, spires, towers, skylights, water tanks, radio or television antennas, or any structures for similar uses, shall not be included in calculating the height where such structures are customary vertical projections of a permitted building.

B. In any residential district the prescribed basic height limit may be exceeded by one foot, up to a maximum of 10 feet, for each foot by which the width of each side yard and the depth of the rear yard is increased beyond the minimum requirements.

#### **§ 27-414 Removal of Topsoil**

The continuation of adequate topsoil on the land within the Borough of Hatboro is considered necessary for the general welfare of the Borough and the future development thereof. Thus the permanent removal of topsoil from the land within the Borough of Hatboro is prohibited. This prohibition shall not be construed to prohibit the owner of the land in removing topsoil where necessary for the purpose of construction of a building or structure and the regrading of the land surrounding the building or structure following construction.

#### **§ 27-415 Preservation and Care of Trees and Shrubs**

All trees and shrubs shall receive such care as to preserve them during their natural lifetime. Any tree or shrub or portion thereof which dies or suffers damage due to lightning, wind or other causes, shall be removed immediately where potential harm to others or property exists, or, otherwise shall be removed within six months. Every lot owner shall maintain one tree or shrub for every 3,000 square feet of lot area.

#### **§ 27-416 Mobile Home and Mobile Home Parks**

1. Mobile homes are a permitted use in any residential district provided that they meet the applicable requirements for single-family detached dwellings as set forth in this chapter.

A. Mobile home parks shall be permitted as a conditional use, with the approval of Borough Council, only in the R-1 Residential District. However, the proposed mobile home dwellings shall be considered as single-family detached dwellings requiring public sewage and public water facilities and meeting all of the requirements of the R-1 Residential District as set forth in this chapter.

#### **§ 27-417 Trailers, Motor Homes**

No lot or premises may be used as a trailer or motor home camp, and no lot or premises shall maintain an inhabited trailer or motor home for a period in excess of 30 days, ~~except in a Highway Business District~~, with prior approval of Borough Council, and then only if adequate sanitary and other utilities are available.