

Part 17 | Use Regulations

§27-1701 Intent.

1. It is the intent of this Part to provide clear and specific definitions of uses permitted within the various zoning districts in the Borough of Hatboro.
2. In addition to a definition, permitted uses may have various applicable conditions which are associated with the right to use or occupy a building or lot in whole or in part in such manner. When expressed in this chapter, the use condition is applicable in all districts where the use is permitted. In the event of any conflicts with other provisions, the more stringent regulation shall be applicable. If a use is proposed and permitted, it must be able to satisfy the conditions described herein in addition to the applicable district regulations. If it cannot, then it shall not be permitted.

§27-1702 Applicability and Interpretation.

1. When a use is proposed, borough staff shall determine which code classification described herein best defines or matches the use being proposed.
2. When a proposed use does not precisely match a code classification defined herein, borough staff shall determine which described use it mostly closely matches. If the principal use proposed is similar in most respects to a given described use, then the proposed use shall be classified according to that described use.
3. Any one individual use not specifically prohibited that complies with Part 4: General Regulations and all other applicable sections of this ordinance shall be permitted by conditional use in the IN Industrial District.
4. Unless they are expressly permitted by the individual zoning district, multiple principal uses shall not be permitted on a single lot.
5. A building or lot shall be permitted multiple Accessory Uses provided all applicable provisions of the Borough Code of Ordinances are satisfied and provided that the total of such Accessory uses does not exceed the square footage used by the Principal Use.
6. A building or lot may not be altered, partitioned, or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory uses, except as may be provided for in the Borough's Code of Ordinances.
7. All uses permitted in this Ordinance shall be subject to all applicable county, state, and federal codes and regulations.
8. The following terminology is assigned to uses, based on their method of institution. Refer to the Administration and Procedures section of this Chapter for treatment of these various circumstances.
 - A. Conforming Use: The use meets all applicable standards and regulations as established by Chapter 27: Zoning.
 - B. Nonconforming Use: The use does not meet all applicable standards and regulations established by Chapter 27: Zoning.
 - (1) Legally Nonconforming Use: The use does not meet all applicable standards and regulations as established in Chapter 27: Zoning, but the use or property received the required Borough approval through the variance process; or was legally instituted prior to the adoption of Chapter 27: Zoning or an amendment to same that made the use Nonconforming; or was illegally created but legally grandfathered over statutory time periods.
 - C. Illegal Use. A use which may or may not conform to zoning, but never received required Borough approval.
 - D. Federal and State property is subject to the provisions of this Part only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

9. A use created by conditional use approval, special exception approval, or variance approval may only undergo alteration, addition, expansion, or intensification of the use by reapplication and re-approval of the Body granting original approval.

§27-1703 Accessory Uses.

1. **Use A-1: Car Share.** An on- or off-street parking space where car share members can pick up or drop off a vehicle for rental periods as short as one hour. Customers of a car share facility (as distinguished from a car rental agency) sign up for annual memberships and pay hourly or daily usage rates for vehicles that are reserved for a specific self-serve location and for a set length of time.
2. **Use A-2: Commercial Vehicle Parking.** The parking of tractor trailers, commercial vans, and similar vehicles on lots with or without advertising.
 - A. Commercial vehicles shall not be parked in required buffer areas.
 - B. Commercial vehicles shall not be parked in required side or rear setback areas.
3. **Use A-3: Drive-through Facilities.** Any building, design, facility, structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction.
 - A. Minimum lot size: 40,000 square feet.
 - B. Minimum lot width: 100 feet.
 - C. Setback from residential: the drive-through facility and all entrance and exit drives to and from the facility shall be located a minimum of 50 feet from any lot zoned to allow residential uses or containing a residential use. This does not apply to lots containing or zoned for mixed-use development containing both residential and commercial uses.
 - D. A drive-through facility shall not be located between the building and the primary street frontage.
 - E. Stacking area. An area for a minimum of four (4) waiting or “stacked” vehicles must be provided per drive-through facility. The stacking lane shall not be used for other required parking, and may not be part of, or interfere with aisles, circulation, or required parking spaces.
 - F. A bypass/escape lane shall be provided, which shall be separated from the drive-through lanes and parking spaces.
 - G. Ingress/egress. Ingress to the drive-through facility shall occur from an aisle within the interior circulation of the lot and not directly from a public street. Egress from the drive-through facility shall not be within 15 feet of a public entrance to or exit from a building.
4. **Use A-4: Music Performance or Art Show.** The live performance of music or the display of works of art for sale that is clearly accessory to a different use such as a restaurant or café.
 - A. Art shows shall allow the primary use to continue while the art is being displayed.
 - B. Music performances shall comply with all applicable noise and other regulations.
5. **Use A-5: No-Impact Home-Based Business.** As required by the Pennsylvania Municipalities Planning Code (MPC), no-impact home-based businesses shall be permitted in all residential zones of the municipality as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. A business or commercial activity administered or conducted as an accessory use in a residential dwelling; which involves no customer, client, or patient traffic – whether vehicle or pedestrian; which has no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with a residential use.
 - A. The business activity shall not interfere with the residential use of the property nor surrounding residential uses.
 - B. The business shall not employ anyone that does not reside in the dwelling.

- C. There shall be no display or sale of retail goods from the dwelling.
 - D. There shall be no outside appearance of a business use, including, but not limited to, parking, signage, or commercial lighting.
 - E. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use.
 - F. The business activity shall be conducted wholly indoors within a dwelling unit or structure accessory thereto.
6. **Use A-6: Outdoor Dining.** An eating area accessory to a restaurant or other food or drink business.
- A. Outdoor dining shall not obstruct or interfere with pedestrian circulation on or off site and should have unobstructed aisles and entrances. When conducted in the right-of-way, a minimum of five feet of sidewalk width must remain unobstructed.
 - B. A minimum of five feet shall be maintained between fire hydrants and outdoor dining areas.
 - C. Outdoor Dining areas shall be kept sanitary, neat, and clean at all time. It shall be kept free from accumulation of food, litter, snow, ice, and any dangerous or unsanitary matter.
 - D. If located in a parking lot or street right-of-way, the Outdoor Dining area must be physically separated from drive aisles, parking spaces, or any motor vehicle traffic area by a railing, fence, planter box, or combination thereof.
 - E. Any encroachment into a street, public parking lot, shared driveway, or other area to which the owner of the establishment seeking outdoor dining does not have full and sole ownership over shall be approved by any owners or holders of easements or rights to the area prior to establishing any Outdoor Dining area.
7. **Use A-7: Park, Plaza, or Outdoor Gathering Space.** Any space designed for public use such as a pocket park or courtyard. This accessory use shall be permitted in all zoning districts provided the general public is allowed access.
8. **Use A-8: Residential Accessory Structure.** A building or structure erected for the private use of the owner or occupant of a single-family dwelling, which is situated on the same lot as the residence, and used for common household purposes, storage, or vehicle parking. This may include, but is not limited to, a garage, carport, children's play house, shed, pet shelter, etc.
- A. The building or structure shall be limited to two stories and shall not be greater than 24 feet in height.
 - B. A Residential Accessory Structure larger than 250 square feet shall not be located in any required yard areas. In addition, any structure design to contain animals regardless of size shall not be located in any required yard areas or within 10 feet of the property line.
 - C. A detached accessory building or structure may not be erected within the required front yard area, public rights-of-way, easements, or stormwater management areas.
 - D. Applicants are encouraged to use materials for accessory buildings that are similar to the principal dwelling.
9. **Use A-9: Short-term Rental.** A rental dwelling unit owned or managed by a person, firm, or corporation which is rented for a period of less than 30 consecutive days. The standards below are intended to ensure that short-term rentals will not be a detriment to the character and livability of the surrounding neighborhood.
- A. The use of a property as a short-term rental shall not exceed, in total, a maximum of 120 days in a calendar year. Short-term rental that exceeds 120 days shall be considered a Hotel/Motel/Inn use.
 - B. Short-term rental use of a dwelling unit shall comply with all applicable federal, state, and local government laws, rules, ordinances, and/or regulations, including without limitation, other provisions of Chapter 27: Zoning which would be applicable to the use of the property as

a dwelling unit when not subject to short-term rental.

- C. The commencement of short-term rental activity of a dwelling unit shall be considered a change in use of the property and shall not occur without the property owner first applying for, and receiving, a special exception from the Zoning Hearing Board.
- D. Overnight occupancy of a short-term rental shall be limited to no more than 2 persons per bedroom. The Zoning Hearing Board is permitted to approve occupancy above this number if the parking requirements are met.
- E. The number of bedrooms permitted for a short-term rental shall be limited to three bedrooms, unless applicant demonstrates to the Zoning Hearing Board that their property had adequate parking and trash facilities for additional bedrooms.
- F. A local contact person shall be designated who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Borough or within 10 miles of the short-term rental unit may designate himself/herself as the local contact person. If not the owner of the property, the local contact person must reside within 10 miles of the property. There shall be a local contact person at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Borough, and any new local contact person shall meet all requirements of this subsection.
- G. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Borough Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.
- H. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Borough Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.
- I. If the owner of a short-term rental unit is cited for a violation of a Borough ordinance for three times within 12 months, the owner's zoning use permit may be revoked.
- J. Short-term rental property owners are required to maintain accurate rental records listing, at a minimum, the number of days their property was rented and how many guests stayed on each night. A copy of the record will be filed annually with the Borough and is due on January 1st of each year. Non-compliance with this provision is subject to the penalty provisions of Section 11-210 and also may result in the zoning use permit being revoked.
- K. A short-term rental unit may be rented only to a person 21-years of age or older.
- L. Accessory signs are prohibited in the R1, R2, R3, and R4 zoning districts.
- M. The application for a Special Exception shall contain the following information:
 - (1) The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.
 - (2) A copy of the description of the property used in the short-term rental advertisement.
 - (3) The 911 address of the property.
 - (4) The maximum number of occupants permitted to stay in the short-term rental unit.
 - (5) The maximum number of all vehicles allowed to be parked on the property and an acknowledgement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted. The applicant will also submit a plan demonstrating compliance with the off-street parking requirement.
 - (6) A statement acknowledging that trash and refuse shall not be left or stored on the

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exterior of the property except in secure, watertight metal or plastic cans or similar containers designed for such storage with a limit of secured containers.

- (7) A statement acknowledging that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Borough Ordinances.
- (8) A statement acknowledging that the local contact person shall respond to the Borough or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation.
- (9) The applicant shall provide confirmation that the applicant has taken all action required to enable the applicant to pay the hotel and/or room taxes imposed by Hatboro, Montgomery County, or the Commonwealth of Pennsylvania. The required certificate of occupancy for the short-term rental unit will not be issued until the applicant presents such confirmation of meeting Borough, County and Commonwealth requirements for rental properties.

10. **Use A-10: Signs.** See Part 19: Signs.

11. **Use A-11: Storage, Outdoor.** The outdoor keeping of materials, merchandise, or any goods in an unroofed or open area, or unenclosed building for more than 24 hours. The following additional regulations shall be satisfied:

- A. All outdoor storage areas shall be located within the required building setbacks, as created by the yard setback requirements. In addition, no outdoor storage area shall be located between the principal building(s) on a site and a public street. Furthermore, no part of a public right-of-way, buffer area, stormwater management systems, or required parking spaces shall be used for outdoor storage.
- B. In order to shield outdoor storage facilities from direct view from adjacent properties and the public right-of-way at ground level and to prevent access by children and members of the general public, all outdoor storage facilities shall be completely enclosed by either walls or fencing at least six feet in height with self-closing, self-latching gates/doors with a secure lock. In the event that the required walls/fencing does not adequately screen an outdoor storage facility, landscaping sufficient to screen the storage area from view shall be required.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.
- D. The practice of storing or depositing any abandoned or junked automobiles, vehicles, machinery or discarded equipment of any kind, or parts thereof, in or on any public or private property, vacant or occupied, within the borough shall be deemed to be and constitute a nuisance and is hereby prohibited.
- E. All solid and liquid wastes shall be disposed of in a timely and environmentally safe manner.

12. **Use A-12: Swimming Pool, Private.** A body of water having a depth at any point greater than 12 inches which is primarily used or intended to be used for swimming or bathing and is an accessory to a single-family dwelling.

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- A. A swimming pool, filters, pumps and other mechanical equipment shall not be permitted in the front yard and shall conform to the rear and side yard setbacks of the applicable zoning district.
 - B. Swimming pools, whether above- or below-ground, not removed prior to the first day of November each year shall be considered permanent and are required to meet the zoning district requirements with respect to impervious surface.
 - C. At the time of application for a zoning permit it shall be demonstrated that the drainage, including stormwater runoff, for a pool is adequate and will not interfere with the water supply system, existing sewage facilities, public streets, and shall not drain onto a neighboring property.
 - D. Water contained in swimming pools shall be kept healthy and sanitary at all times and shall not emit offensive odor that creates a nuisance or unhealthy condition.
 - E. Abandoned pools shall be removed or appropriately filled in and covered underground.
 - F. The pool shall meet current UCC regulations or shall be completely enclosed by a fence or wall not less than four feet in height, with a self-locking gate as access. In addition, swimming pools equipped with elevated platforms or walkways that are at least four feet above the ground need not be fenced if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.
 - G. Wading pools are exempt from these provisions and are considered temporary pools if made of plastic, light metal, or other light-duty materials which do not exceed a full volume depth of 12 inches at the highest point and which are completely emptied of water when not in use.
13. **Use A-13: Telecommunications Equipment, Roof or Structure Mounted.** Equipment for telephone, radio, wireless internet, satellite communications, or other similar purposes that it is mounted on a structure or object that serves another primary purpose, such as a building, church steeple, or light pole. Such equipment must comply with the regulations of Part 19: Wireless Telecommunications Towers and Facilities.
14. **Use A-14: Temporary or Seasonal Outdoor Market.** An outdoor market open to the public for the retail sale of farm products, craft goods, or new or used merchandise, whether operated by a single vendor or composed of stalls, stands, or spaces for multiple vendors.
- A. This term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building.
 - B. This use shall have limited or seasonal hours.

§27-1704 Entertainment/Recreation

- 1. **Use B-1: Amusement Park.** An outdoor entertainment facility designed for mechanical or electronic rides, games and accessory uses such as booths, snack bars, and special exhibit halls. The conditions below shall not be interpreted to restrict temporary uses for promotional or special events:

- A. The minimum required lot size shall be 5 acres.
 - B. This use may not be an accessory use.
 - C. The following shall be submitted with any application for a Conditional Use or Special Exception:
 - (1) Identification of specific uses and activities
 - (2) Specification of location of outdoor activities
 - (3) Indication of method(s) to be used to abate any and all impacts on surrounding properties
2. **Use B-2: Event Facility.** A location, building, site or structure that is not a restaurant which is rented as a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, performances, or similar gatherings.
- A. In the TC-1 Town Center District, Event Facilities shall be permitted on the second floor and above.
 - B. In the TC-1 Town Center District, Event Facilities shall only be permitted on the first floor if another permitted use occupies the first 30 feet in depth of the first floor primary frontage of the building. Event Facilities shall be permitted 30 or more feet from the front façade of the building.
 - C. Any event that may encroach on public parks, streets, or sidewalks shall obtain appropriate permits from the Borough.
3. **Use B-3: Gallery or Museum.** A public or private facility that is operated as a repository or collection of works of art, scientific specimens, or other objects of value or interest that are displayed for public viewing. This use may include the sale or loan of displayed items or the sale or of related objects or merchandise. Entry shall be provided to the general public for free or for a fee.
4. **Use B-4: Gym/Health Club.** A building, facility or structure, which through membership and/or compensation, offers facilities and programs operated by a non-governmental agency for athletic, health or recreational workout and training, including but not limited to gymnasiums, indoor pools, exercise and weight rooms, game courts, locker rooms, Jacuzzis and saunas.
- A. Individual and group instruction shall be permitted.
 - B. Accessory retail sales or food and drink shall be permitted.
 - C. In the TC-1 TC-1 Town Center District, a Gym/Health Club shall be limited to 10,000 square feet in gross floor area.
 - D. If outdoor recreation areas are included, they shall not encroach into required buffer or setback areas. Safety precautions shall be taken such that recreation equipment (such as balls) does not leave the premises accidentally.
5. **Use B-5: Performing Arts Center or Theater.** An indoor facility, theater, or auditorium intended for live or recorded performance of theater, music, dance, movies or similar activities.
- A. Pedestrian stacking area shall be provided such that customers queuing for tickets shall have space to gather such that the sidewalk shall maintain a five foot clear width at all times. Pedestrian stacking areas shall be separate from any vehicle areas such as parking lots or drive aisles.

6. **Use B-6: Hookah Bar/Lounge.** Any establishment that is dedicated, in whole or in part, to the smoking of a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a "hookah," and also known as a narghile, shisha, hubble-bubble, and goza, or any similar device.
 - A. No alcoholic beverages shall be served or consumed on the premises.
 - B. No one under the age of 18 shall be permitted in the establishment.
 - C. Services shall be performed under sanitary conditions and in compliance with all federal, state, and local regulations.
 - D. When a conditional use is required, applicant shall demonstrate compliance with the above requirements and in addition shall submit:
 - (1) Intended hours of operation
 - (2) Indication of any methods used to abate any potential nuisance or harm to neighboring businesses or property owners and passers-by.
 - (3) Indication of how all product, byproduct, and waste shall be stored securely in such a manner as to protect against improper dissemination.
7. **Use B-7: Recreation, Indoor.** Private or public facilities for entertainment or recreation activities located within an enclosed building and are operated on a commercial or membership basis primarily for the use of patrons who do not reside on the same lot or premises. Such facilities may include billiards, escape rooms, axe throwing, ice skating, bowling, roller skating etc.
 - A. This use shall not include a performing arts center, theater, or movie theater.
 - B. Indoor Recreation Uses shall not exceed 10,000 square feet in gross floor area when located in the TC-1 Town Center District.
 - C. Accessory uses such as snack bars, supply shops, equipment rental areas, etc. shall be permitted provided that they primarily serve patrons of the recreational use.
8. **Use B-8: Recreation, Outdoor.** Private or public activity areas which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of patrons who do not reside on the same lot or premises. Such facilities may include miniature golf courses, swimming pools, ball courts, tennis courts, skating rinks, etc.
 - A. Minimum lot size: 2 acres
 - B. Accessory uses such as snack bars, supply shops, equipment rental areas, etc. shall be permitted provided that they primarily serve patrons of the recreational use.
 - C. Outdoor recreation shall not include amusement parks, municipal recreational facilities with no cost for their use, or overnight campgrounds.
9. **Use B-9: Specialty Class Studio.** A location for the teaching of classes generally taken as hobbies by children or adults such as dance, martial arts, gymnastics, yoga, music, crafts, photography, etc.
 - A. Such uses shall not exceed 10,000 square feet in gross floor area when located in the TC-1 Town Center District.

§27-1705 Industrial

1. **Use C-1: Artisan Manufacturing.** An establishment for the manufacture and production of goods created on-site by a craftsman using hand tools and/or small-scale, light mechanical equipment. Examples of such work include pottery, fiber crafts, sculpture, leathercraft, jewelry,

soaps, metalwork, cabinetry, stained glass, textile production, candle-making, and hand-made food products. Artisan Manufacturing may also include display and retail sale of such goods produced on site. Artisan Manufacturing may also include demonstration of and instruction in the production processes.

- A. Artisan manufacturing shall not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property, and
 - B. Artisan manufacturing uses shall be limited to 5,000 square feet of gross floor area in all zoning districts where permitted other than the LMX Limited Industrial Mixed-Use or IN Industrial district.
2. **Use C-2: Dry Cleaning or Laundry Plant.** A building or portion thereof specializing in or providing on-site processing for laundry, dry cleaning, and/or clothes pressing. Facilities that exclusively offer dropoff/pickup of personal items and do not include on-site processing for laundry, and/or dry cleaning shall be considered Use I-4: Dry Cleaning.
 3. **Use C-3: Junk Yard or Storage Yard.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded materials or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition.
 - A. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
 - B. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on site and routinely awaiting pickup.
 - C. Outdoor storage of junk shall be at least 100 feet from any residential lot line and 50 feet from any other lot line and the existing right-of-way of any public street.
 - D. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - E. Secure fencing with a minimum height of eight feet shall be provided and well maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening. The initial height of the evergreen planting shall be six feet.
 4. **Use C-4: Production, Manufacturing, or Assembly Facility.** facility, building, lot, parcel, use, or group of facilities, buildings, and uses engaged in the manufacture or assembly of products, parts, or materials. The processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products is included under this use. The following additional standards shall be satisfied:
 - A. All activity must be contained entirely within a building or structure.
 - B. All use permits shall be accompanied by an application signed by a registered architect or engineer certifying that no dust, vibration, odors, or fumes will be detectable at the property lines.
 5. **Use C-5: Medical Marijuana Grower/Processor.** A building or structure and other appurtenances or improvements where a grower/processor grows and processes medical marijuana. Grower/Processors shall be required to hold a permit issued by the Pennsylvania

Department of Health to grow and process medical marijuana. The term includes the facility in which medical marijuana is grown and processed. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act (PA Act 16 of 2016, 35 P.S. §10231.101, et seq.).

6. **Use C-6: Recycling Drop-Off Facility.** A facility that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then conveyed to another business as a raw material which can be used to manufacture a new product.
7. **Use C-7: Resource Recovery Facility (Recycling).** A facility or land that is used for any one or a combination of the following or similar uses: composting, material separation, recycling or trash transfer.
8. **Use C-8: Self-Storage Facility. self-storage facility.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that consists of varying sizes of compartmentalized, self-contained, and controlled-access stalls or spaces. Such stalls or spaces are leased or rented for the storage of business, private, or household goods. The following additional standards shall be satisfied:
 - A. An office or residence may be established as an accessory use on site in order to provide for a full-time attendant or caretaker.
 - B. No retail business activities other than those directly associated with the self-storage facility shall be permitted; rental of trucks or vehicles is not permitted.
9. **Use C-9: Telecommunications Equipment, Freestanding.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, wireless internet, satellite communications, or other similar purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes freestanding radio and television transmission equipment, microwave towers, common-carrier towers, and cellular telephone towers. Such equipment must comply with the regulations of Part 19: Wireless Telecommunications Towers and Facilities.
 - A. In residential zoning districts, such Equipment shall meet the height restrictions of the zoning district. In non-residential zoning districts, Freestanding Telecommunications Equipment may exceed the height regulations of the zoning district if any additional feet of height are added to the minimum required setback distance on all sides.
 - B. This use shall be permitted as an accessory use only in zoning districts where it is otherwise permitted.
 - C. A conditional use application for Freestanding Telecommunications Equipment shall be required to demonstrate:
 - (1) How the Telecommunications Equipment will be designed to fit into the surrounding land use context, including any color schemes or visually mitigating elements that are proposed.
 - (2) The safety features in place to guard against unauthorized trespass or

vandalism.

- (3) How maintenance will be conducted such that surrounding uses will not be disturbed by excessively heavy, loud, or large equipment.
- (4) If proposed as an accessory use, the applicant shall demonstrate how the use will be harmonious with any other uses of the same lot, including protecting the health, safety, and general welfare of any the residents, staff, or customers, or any other use on the lot.

10. **Use C-10: Warehouse or Distribution Center.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses engaged in the storage, wholesale, and/or distribution of manufactured equipment, goods, materials, products, or supplies. The bulk storage of chemicals and materials that are explosive, inflammable or hazardous is strictly prohibited.

11. **Use C-11: Data Center.** A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

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12. **Use C-12: Data Center Accessory Use.** Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

§27-1706 Institutional and Community Uses

1. **Use D-1: Cemetery or Graveyard.** An area of land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. The following additional standards shall be satisfied:

- A. No more than 10% of the lot area may be devoted to accessory buildings not serving as burial markers or memorials.
- B. A forty-foot screening or opaque buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.

- C. Any entrance features such as gates or columns shall not exceed 15 feet in height.
 - D. No crematorium shall be permitted within a cemetery.
2. **Use D-2: Club, Fraternal Organization, or Lodge.** A building or portion thereof that houses the headquarters or meeting place of members of a non-profit organization where educational, social, or recreational activities take place. Only members of the organization or authorized guests attend events at a club/ lodge.
 3. **Use D-3: Commercial, Trade, or Instructional School.** Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like.
 4. **Use D-4: Educational Use.** Public, private or parochial educational institutions which provide a broad educational curriculum to individuals enrolled therein, including an elementary or secondary school, college or university, kindergarten, junior or senior high school, or middle school, but not a business school, trade school, dance studio or similar use.
 5. **Use D-5: Community or Senior Center.** An area, building, structure, or other facility used as a multiple-purpose gathering place for members of the general public, or a portion thereof. A Community or Senior Center may charge admission or membership fees, but must be owned and operated by a civic, educational, municipal, philanthropic, religious, or tax-exempt entity. A Community or Senior Center is typically used for educational, social or recreational programs and other community uses.
 - A. The use shall not be conducted as a private, gainful business.
 - B. The use may include meeting rooms, a library; snack bars; child-care facilities; gymnasiums; exercise facilities; swimming pools; locker rooms; tracks; playing fields for various sports; etc.
 - C. If outdoor recreation areas are included, they shall not encroach into required buffer or setback areas. Safety precautions shall be taken such that recreation equipment (such as balls) does not leave the premises accidentally.
 - D. The following shall be submitted with any Conditional Use or Special Exception application:
 - (1) Identification of specific uses and activities.
 - (2) Specification of location of outdoor activities.
 - (3) Indication of method(s) to be used to abate any and all impacts on surrounding residential properties.
 6. **Use D-6: Day Care Center, Adult.** A facility and associated outdoor play areas in which out-of-home care is provided for part of a twenty-four-hour day for any number of persons over the age of 15. Such use shall be distinct from a Family day care home, family. Any day-care provider proposing to operate a day-care center shall, prior to the commencement of operations of such day-care center, obtain an annual use permit from the Borough. The following additional standards shall be satisfied:
 - A. The day-care provider shall provide to the Borough's Code Enforcement Department a copy of such day-care provider's license issued by the Department of Public Welfare of the Commonwealth of Pennsylvania. The day-care provider shall execute a consent to the Borough's Code Enforcement Department that will allow such Department to be informed by the

Department of Public Welfare of the termination or revocation of such license.

- B. When such facilities meet the definition of a "child care center," pursuant to 55 Pa. Code § 3270, or a "group child care home," pursuant to 55 Pa. Code § 3280, strict compliance with all applicable regulations is required. Furthermore, proof of licensure shall be provided to the Borough upon request.
 - C. A day care center shall be permitted as an accessory use to any Use D-14, Place of worship.
 - D. Such facilities shall include constant supervision of clients during all hours of operation.
 - E. A day-care center for adults shall meet the operational and physical standards of the Pennsylvania Department of Aging.
 - F. Any outdoor play area shall be enclosed by fencing four feet to six feet in height. Play equipment, such as a swing set or slide, shall not be located closer than 10 feet from any property line.
 - G. A minimum of 40 square feet of interior floor area shall be provided for each client, excluding any area of hallways, kitchens, staff areas, utility rooms and bathrooms. A finished basement room may be used for day-care area, provided that such basement room has an access exit at grade level.
 - H. A dropoff/pickup area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the dropoff area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied to safely accommodate a parked vehicle.
7. **Use D-7: Day Care Center, Child.** A facility and associated outdoor play areas in which out-of-home care is provided for part of a twenty-four-hour day for seven or more children under the age of 15. Such use shall be distinct from a Family day care home. The following additional standards shall be satisfied:
- A. When such facilities meet the definition of a "child care center," pursuant to 55 Pa. Code § 3270, or a "group child care home," pursuant to 55 Pa. Code § 3280, strict compliance with all applicable regulations is required. Furthermore, proof of licensure shall be provided to the Borough upon request.
 - B. When such facilities meet the definition of a "child care center," pursuant to 55 Pa. Code § 3270, or a "group child care home," pursuant to 55 Pa. Code § 3280, strict compliance with all applicable regulations is required. Furthermore, proof of licensure shall be provided to the Borough upon request.
 - C. A day care center shall be permitted as an accessory use to any Use D-14, Place of worship.

- D. Such facilities shall include constant supervision of clients during all hours of operation.
 - E. Any outdoor play area shall be enclosed by fencing four feet to six feet in height. Play equipment, such as a swing set or slide, shall not be located closer than 10 feet from any property line.
 - F. A minimum of 40 square feet of interior floor area shall be provided for each client, excluding any area of hallways, kitchens, staff areas, utility rooms and bathrooms. A finished basement room may be used for day-care area, provided that such basement room has an access exit at grade level.
 - G. A dropoff/pickup area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the dropoff area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied to safely accommodate a parked vehicle.
8. **Use D-8: Funeral Home.** A building or portions thereof used for human funeral services. Such facilities may contain provisions for chapel, embalming, viewing, and other services used in preparation of the dead, including the storage of caskets, supplies, and funeral vehicles; not to include crematoriums, columbariums, or cemeteries.
9. **Use D-9: Garden or Agriculture.** The cultivation of a plot of land to grow of plant materials for food, stormwater management, or as ornamental display.
- A. This shall include purposefully cultivated and properly maintained wildflower gardens or meadows that are in compliance with all other borough and state ordinances.
 - B. This use shall include a community garden that is maintained by multiple households on individual or shared lots. All portions of community gardens shall be properly cultivated and maintained.
 - C. This use may include accessory greenhouses, hoop houses, cold frames, sheds, etc., provided they meet all of the setback and height standards for accessory uses in the appropriate zoning district.
 - D. In the TC-1 and TC-2 Town Center Districts, a Garden or Agriculture Use shall only be permitted as an accessory use.
 - E. Gardens for raising flowers, shrubbery, trees, fruit or vegetables for personal enjoyment and not for resale are permitted in any district as an accessory use and may extend into the required front, side and rear yards.
 - F. If an outdoor Garden is accessory to the principal use, the square footage of the outdoor garden area shall not be included in the total land area used for accessory uses on a lot. Any associated accessory buildings or structures shall be included in the accessory use land area.
 - G. The retail sale of items from the garden is permitted in all districts if offered

fewer than 12 hours per week. Sales more frequent than 12 hours per week shall only be permitted in districts which otherwise permit some type of Retail Sales use.

10. **Use D-10: Hospital.** An institution providing human health care services primarily as an in-patient facility, and offering clinical, temporary, or emergency medical or surgical care procedures to the sick and injured, and licensed by the commonwealth to provide such facilities and services. A hospital includes not only the facilities where such service is rendered, but includes related facilities such as laboratories, outpatient departments, training facilities, central services, and staff offices that are essential to the service delivery. The following additional standards shall be satisfied:
 - A. Traffic impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Traffic impact studies shall be prepared pursuant to §22-802, Traffic impact study.
11. **Use D-11: Library.** A building that contains printed and other materials for use by the general public for purposes of study, reference, and recreation. A Library must be owned and operated by a civic, educational, municipal, philanthropic, religious, or tax-exempt entity.
 - A. The use shall not be conducted as a private, gainful business.
 - B. Accessory retail sales are permitted but shall be limited to 10 percent of the gross floor area of the building.
 - C. Accessory conference or meeting rooms, programs or activities, and events are permitted.
12. **Use D-12: Municipal or Emergency Services.** Any facility or use owned and operated by the Borough of Hatboro or any volunteer or paid operations that serve an Emergency Services function such as fire protection or ambulance service.
 - A. The following shall be submitted with an application for Conditional Use in the TC-1 Town Center District:
 - (1) Identification of specific uses and activities
 - (2) Evidence of how the façade of the Municipal or Emergency Services Facility shall provide visual interest to passing pedestrians.
 - (3) A safety plan of how pedestrian and vehicle activity on York Road will be protected from any services provided at or from the facility.
13. **Use D-13: Nursing Home or Rehabilitation Facility.** A residential care facility in which residents that are elderly, ailing, or recovering from illness/injury reside and where they have access to skilled medical care and are provided supervision or assistance with activities of daily living. The following additional standards must be satisfied:
 - A. Such use shall be licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three or more persons.
 - B. The maximum residential density permitted shall be 15 beds per acre.

- C. Dwelling areas containing beds are not permitted to be self-contained dwelling units complete with kitchen facilities.
14. **Use D-14: Place of Worship.** A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies. The term church, temple, synagogue, mosque, meeting house, or similar uses shall be included.
- A. Accessory Educational Uses that provide K-12 education shall only be permitted in zoning districts which otherwise permit the use.
 - B. A Place of Worship that provides accessory Day Care for at least two days per week shall meet the requirements of a Day Care use.
15. **Use D-15: Playgrounds and Parks.** An area of land for use by the general public for active or passive recreation.
- A. Any Playground or Park that charges a fee for use shall be considered an Outdoor Recreation use.
16. **Use D-16: Radio or TV Station.** Such use shall include areas where electronic equipment and staging is utilized for the purpose of broadcasting radio or television programming, provided that:
- A. Antennas systems shall meet the requirements for antennas, as contained in Part 19: Wireless Telecommunication Towers and Facilities.
 - B. Ground-mounted antenna systems exceeding 35 feet in height shall be erected at a distance from the property line equal to its height. If such a structure is located on a lot abutting a residential district, it shall be located at least 200 feet from the residential zone.
17. **Use D-17: Senior Life Care Community (Continuing Care).** A residential facility, building, or complex of buildings, exclusively designed and operated for persons in need of life care arrangements, within which is provided private or semi-private living and sleeping quarters, with private or common eating facilities. Residents have access to skilled nursing care, are provided occasional supervision or assistance with activities of daily living, but do not require twenty-four-hour medical care or supervision, and live more independently than those reside in Use D-13: Nursing Home or Rehabilitation Facility. The following standards shall be satisfied:
- A. The maximum residential density shall be 15 beds per acre.
 - B. Leasable dwelling units may contain kitchen facilities and any other facility that a traditional dwelling unit may contain.
 - C. Drop-off area. Each building used by residents of the facility shall be provided with a minimum of one drop-off area for use by personal vehicles and vans.
 - D. Pedestrian network. All buildings and facilities used by residents of the facility must be provided with a six-foot-wide pedestrian walkway (sidewalks and crosswalks) which interconnects the facility and connects to the street front sidewalk.
 - E. All roads shall be privately owned and maintained, but shall be built according to Borough specifications.

- F. All green space area is intended to be privately owned, and shall be planted and maintained according to the standards for open space established in this chapter.
 - G. Accessory uses. Any accessory use on the same lot with and that is customarily incidental to this use is permitted. Such accessory use(s) may include but is not limited to any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.
18. **Use D-18: Transit Facility.** A Transit Facility is any structure or facility located at a point along a transit route used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.
- A. Bus shelters may not exceed 100 square feet in roof area, cannot be erected closer than 5 feet from any cartway edge, shall not be located so as to obstruct the sidewalk. The specific design shall be in compliance with SEPTA and DVRPC's bus shelter design guideline and shall be approved by the Borough. Advertising may only be located on the side of the bus shelter parallel to the street. Bus shelters shall be permitted in the right-of way provided they are approved by the Borough and do not obstruct pedestrian or vehicle movement.
19. **Use D-19: Utility Operating Facility.** Facilities for the operation and provision of public utility services including, but not limited to: transformer station, pumping station, relay station, towers (transmission, water or relay), substations, switching center, sewage treatment plant and any similar or related installation, not including public incinerators and public or private landfills.

§27-1707 Mixed Uses

1. **Use E-1: Mixed-Use Building.** A building, use, or structure comprised of a mixture of uses, such that one use is residential and at least one other use is non-residential.
- A. Residential uses shall not be located on the ground floor except where specifically permitted by the zoning district.
 - (1) If ground floor residential is permitted, a minimum of 50 percent of the first floor building frontage shall be customer-facing non-residential uses that are not associated with the residential use (i.e. a sales and leasing office for the dwelling units).
 - B. Uses within the Mixed-Use Building that are not permitted in the zoning district where the building is located shall be prohibited.
 - C. All uses within a Mixed-Use Building must comply with the use regulations for that particular use.
 - D. Non-residential uses may be located above the first floor unless otherwise prohibited by the zoning district.
 - E. For new buildings in the TC-1, TC-2 or JC Districts, ground floor space must have a minimum interior floor-to-ceiling height of 11 feet.

§27-1708 Office Uses

1. **Use F-1: Business Office.** A business or administrative office use not regularly serving customers. Accessory retail sales shall not be permitted.
2. **Use F-2: Industrial Design.** An office where the form, usability, physical ergonomics, marketing brand development and sales of products, devices, and objects takes place, primarily using computers for 3D modeling or rendering, and may also include hand drawing and sketching. Industrial Designer typically integrate the fields of art, business, science, and/or engineering.
 - A. Industrial Design uses may include the accessory manufacture of prototypes including using technology such as 3D printing. Products may not be mass produced or manufactured for sale or distribution.
 - B. If prototypes are manufactured on site, they shall be produced only when employees are on site at the facility.
 - C. If products are being manufactured for sale and distribution, the use shall be considered a Production/Manufacturing/Assembly use and shall be located only in districts where that use is otherwise permitted.
3. **Use F-3: 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 Specialized Medical Treatment Service Office.
 - A. This use shall exclude any facility which keeps human patients overnight.
 - B. In the TC-1 Town Center District, Medical Offices shall be located only on the second floor and above.
4. **Use F-4: Co-working Site.** A building or portion thereof consisting containing desks or other workspaces and facilities that involves a shared working environment for people who are usually not employed by the same organization. Co-working Sites typically operate on a membership basis, though Co-working Sites may host classes or events which are open to the public or to prospective members.
 - A. Common facilities such as a kitchen, meeting rooms, etc. shall be permitted.
 - B. In the TC-1 Town Center District, Co-working Sites shall be limited to 3,000 square feet of gross floor area if they are on the ground floor within the first 30 feet of the front façade of the building. There shall be no restriction on size for portions of a Co-working Site on the second floor or above or more than 30 feet from the front façade.
 - C. Co-working shall be permitted as an accessory use to other compatible uses where it is otherwise permitted in the zoning district.
5. **Use F-5: 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 care businesses.

- A. Accessory retail sales shall be permitted. However, if a Professional Office is located in a zoning district where retail stores are not otherwise permitted, a maximum of 10% of the office space may be used for related retail sales.
 - B. Professional Offices shall not be used as dwelling units.
6. **Use F-6: Scientific Research, Engineering, or Training.** A use, building, structure, or group of buildings and structures, in which are located facilities for scientific research, engineering, investigation, experimentation or testing, but not facilities for the manufacture, production, or sale of products, except as incidental to the primary purpose or on limited pilot scale.
- A. These shall not involve the mass manufacture, fabrication, processing, or sale of products. Goods or products may be manufactured as necessary for testing, evaluation, and test marketing.
 - B. This includes research on such items as electronic components, optical equipment, etc., but not research requiring the use of animal husbandry or heavy equipment.
7. **Use F-7: Specialized Medical Treatment Service Office.** A location for specialized medical-related diagnosis and treatment services such as an outpatient clinic, urgent care center, dialysis centers, outpatient substance abuse treatment and rehabilitation facilities, and other outpatient medical treatment centers, but shall exclude any facility which keeps human patients overnight.

§27-1709 Residential Uses

1. **Use G-1: Single-Family, Detached Dwelling.** A dwelling unit designed and used exclusively as the residence for only one family unit, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this Ordinance.
2. **Use G-2: Small Lot Single-Family, Detached (Village House).** A dwelling unit designed and used exclusively as the residence for only one family unit, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this Ordinance. Village Houses are permitted only on parcels which were in existence at the time of adoption of this Chapter.
3. **Use G-3: Single-Family, Semidetached Dwelling (Twin).** A dwelling unit in which one side wall is a party wall in common with a neighboring dwelling unit designed so that the vertical party wall separates two dwellings, and acts is located on the lot line dividing the properties, but it is otherwise surrounded by required yard areas.
4. **Use G-4: Two-Family, Detached Dwelling (Duplex).** A building having two separate dwelling units, one over the other or side-by-side, so that each unit shares one and only one common horizontal or vertical partition. Both dwelling units are located on a single parcel and are under common ownership. All such dwellings are subject to the following regulations:
 - A. The duplex must be located entirely on one (1) lot, with front, rear, and two (2) side yards of the required depth for the district in which it is located.
 - B. Separate ingress and egress must be provided to each unit.

5. **Use G-5: Single-Family, Attached Dwelling (Townhouse).** A townhouse or rowhouse is a single-family attached or semi-detached (in the case of end units) dwelling within a multi-dwelling structure, consisting of dwelling units each occupying the total space from ground to roof, and joined to each other by not more than two (2) vertical, common party walls, which are located on the lot line dividing the properties. The following additional regulations shall apply for townhouse development:
- A. **Building Size.** For townhouses, there shall be no more than eight attached dwelling units.
 - B. **Distance Between Buildings.** For townhouse developments of two or more buildings, the horizontal distance between any two buildings shall be not less than 1.5 times the height of the taller building.
 - C. **Setback.** The following minimum building setbacks shall be applied:
 - (1) From any R-3 Residential District boundary line: 20 feet.
 - (2) From a public street or highway right-of-way line: 25 feet.
 - (3) From any parking area of 10 or more spaces for vehicles: 20 feet.
 - (4) A side yard width of not less than 20 feet measured from the side property line to the nearest foundation wall of the nearest building to the property line.
 - D. **Access.** Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the townhouse development without causing undue congestion or interference with normal traffic flow. The Borough Planning Commission shall determine the adequacy of the thoroughfare to carry the additional traffic generated by the townhouse development, as well as the adequacy of the street frontage of the proposed development.
 - E. **Common Areas and Facilities.** The provision of certain facilities serving the entire development such as parking lots, interior pedestrian ways, driveways, alleys, lighting: facilities, landscape planting areas, buffers, open space, and recreation facilities are hereby encouraged, and may be located either on individual lots or in common areas. In cases where they are provided in common areas, provision satisfactory to Borough Council must be made for their perpetual maintenance and care. Use of these facilities may be restricted to the residents of the development and may be maintained by the developer, a homeowners association or a similar instrument. Any common area shall first be offered to the Borough of Hatboro; however, the Borough need not accept dedication of the open space but shall receive a first option to purchase, which may be executed at any time with 12 months' notice.
 - F. **Lighting Facilities.** Lighting facilities shall be provided as needed and shall be arranged in a manner which will protect public streets and highways, and neighboring properties from glare or hazardous interference of any kind. Lighting facilities shall be required when deemed necessary for the safety and convenience of the townhouse residents.
 - G. **Plantings.** Shade trees and other plantings shall be provided as the Borough Planning Commission shall deem necessary or appropriate in all open space and buffer areas in a townhouse development. The developer shall make provisions for the continuing care of any

such trees, shrubs, and open space areas within the townhouse development.

- H. Buffer Area. The townhouse development shall have a permanent landscaped planting area of at least 15 feet in depth designed for screening from view any residential, office, commercial, or industrial uses which adjoin the townhouse development.
- I. Procedural Requirements. The following information shall be shown on a townhouse development plan, in addition to that required by the Land Subdivision and Development Ordinance [Chapter 22].
 - (1) Floor area in square feet for each townhouse unit.
 - (2) Number of bedrooms per townhouse unit.
 - (3) Total number of townhouse dwelling units per building.
 - (4) Total acreage in the proposed plan.
 - (5) Total number of off-street automobile parking spaces.
 - (6) Exterior vertical and horizontal building dimensions.
 - (7) Total ground floor area of each building.
- 6. **Use G-6: Multiplex Dwelling (Triplex or Quadruplex).** A multi-family building which is not more than three stories in height, contains no more than four dwelling units, and has the outward appearance of a single family house.
- 7. **Use G-7: Garden Apartment.** A multi-family building which is not more than two stories in height, in which each dwelling unit has direct entrances from the outside. The following regulations shall apply for garden apartment development:
 - A. If the development of the garden apartments is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this chapter shall be fully complied with at the completion of any stage. The initial stage of development shall comprise of a total floor area of not less than 30,000 square feet.
 - B. The developer shall assure the provision of required improvements by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow to cover the cost of the improvements. The work shall be performed in accordance with all the requirements and the approved plans.
 - C. The entire development must be held in single ownership and shall remain in single ownership as long as the development is used as garden apartments and benefits from the special provisions allowed for garden apartments, except as otherwise permitted under the Pennsylvania Uniform Condominium Act, P.L. 286, 68 Pa.C.S.A. § 3101 et seq.
 - D. Building Coverage. Not more than 30% of the area of each garden apartment development shall be occupied by buildings, including accessory use buildings.

- E. Setback from Streets. There shall be a setback of not less than 25 feet from the right-of-way line of any street on which the garden apartment development abuts.
- F. Setback from Property Lines. There shall be a setback of not less than 20 feet from any property line on which the garden apartment development abuts.
- G. Distance Between Buildings. In garden apartment developments of two or more buildings, 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 be not less than 1.5 times the height of the taller building.
- H. Parking Setbacks. Parking spaces shall be placed so as not to interfere, with any service or recreation area, and shall be not less than 25 feet from any property line or street right-of-way line.
- I. Height of Building. No building in a garden apartment development shall exceed a height of 35 feet, and in no event shall a building exceed more than two stories, exclusive of basement.
- J. Service. Areas for loading and unloading of delivery trucks and other vehicles and for the collection of refuse, fuel and other services shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.
- K. Access. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the garden apartment development without undue congestion to, or interference with, normal flow of traffic. The Borough Planning Commission shall determine the adequacy of the surrounding public streets and highways to carry additional traffic that may be generated by the garden apartment development as well as the adequacy of street frontage of the proposed garden apartment development; and, shall address their findings to the Borough Code Enforcement Officer and to Borough Council before any permit may be issued.
- L. Utilities. All garden apartment dwelling units shall be served by a public sanitary sewage disposal system and public water supply. All utility lines (electric, telephone, TV cable, etc.) serving a garden apartment development shall be placed underground.
- M. Lighting Facilities. Lighting facilities provided in a garden apartment development shall be provided as needed and shall be arranged in a manner which will protect street and highway users, and neighboring property users, from glare or hazardous interference of any kind. Lighting facilities shall be required when deemed necessary by the Borough Planning Commission for the safety and convenience of the garden apartment residents.
- N. Buffer Area. The garden apartment development shall have a permanent landscaped planting area of at least 15 feet in depth designed for screening from view any residential, commercial, office, and industrial use which adjoin the garden apartment development.
- O. Recreation and Open Space. The developer shall provide a minimum of 20% of the total site area as usable open space for community areas, playgrounds, and tot lots and other services and amenities for the comfort and convenience of the garden apartment residents.

- P. Plantings. Shade trees and other plantings shall be provided as the Borough Planning Commission shall deem necessary or appropriate in all open space and buffer area within the garden apartment development.
- Q. Procedural Requirements. The following information shall be shown on all plans for a development in an R-4 Residential District, in addition to that required by the Land Subdivision Ordinance [Chapter 22]:
 - (1) Floor area in square feet for each apartment dwelling unit.
 - (2) Number of bedrooms per apartment dwelling unit.
 - (3) Total number of apartment dwelling units per building.
 - (4) Total acreage in the proposed plan.
 - (5) Total number of off-street automobile parking spaces.
 - (6) Exterior vertical and horizontal building dimensions.
 - (7) Total ground floor area of each building.
- 8. **Use G-8: Multifamily Building.** A building containing at least three (3) permanent residential dwelling units in any variety of combinations, including side-by-side, over and under, or back-to-back with each other. The building and grounds are usually under one operating unit, such as a rental or condominium management service. The regulations for this use category do not apply to townhouses or duplexes. The following additional standards shall apply:
 - A. Dwelling units available for lease for a period of less than 30 days or less shall not be classified as Multifamily Residential.
 - B. Each dwelling unit shall have direct access to the outside or to a common internal hallway. The dwelling units may have shared access to a lobby or similar facilities.
 - C. The dwelling units shall not be individually lotted, but shall share a lot or parcel on which the building is located; except under condominium law.
 - D. More than one multifamily building may be located on a single lot so long as it complies with requirements of the underlying zoning district and the requirements herein.
 - E. Minimum distance between buildings.
 - (i) When two or more multifamily buildings are proposed on the same lot, they shall be separated by a minimum distance of 30 feet, and also comply with any required zoning district setbacks.
 - F. Any multifamily building containing 8 or more units shall provide a centralized, secure location for the delivery and pickup of postal service including mail and parcels/packages.

- G. Any accessory use on the same lot with and that is determined to be customarily incidental to this use by the Zoning Officer is permitted. Such accessory use(s) may include but is not limited to any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.
 - H. All parking shall be designed so that cars may enter and leave without the need to move other parked vehicles.
 - I. Each Multifamily Residential use with at least 12 dwelling units shall have no more than 80% of units that have the same number of bedrooms. (an efficiency shall be considered separately from a one-bedroom unit).
 - J. Multifamily Dwelling Units shall be permitted as part of a mixed-use building where such use is permitted by the zoning district.
9. **Use G-9: Senior Independent- or Active Living Facility.** The following development standards shall to Senior Independent Living or Active Living Facility developments:
- A. Garden Apartment Development Standards. In addition to the standards of Use G-7: Garden Apartment, the following standards shall apply:
 - (1) Minimum Acreage. A minimum size of three acres shall be required.
 - (2) Maximum Density. A maximum permitted density of 15 dwelling units per acre.
 - (3) Building Coverage. Not more than 30% of the area of each housing for the elderly development may be occupied by buildings.
 - (4) Parking. Not less than one off-street parking space shall be required for each dwelling unit. Such parking spaces shall be placed so as not to interfere with any recreation or service area, and shall not be less than 25 feet from property lines or street right-of-way lines.
 - (5) Recreation and Open Space; Amenities. The developer shall be required to maintain not less than 25% of the tract in usable open space for the provision of recreational and leisure time activities and facilities for the benefit of the elderly residents. A community room, indoor recreation area or similar facility shall also be required within each residential building.
 - B. Mid-Rise Development Standards. In addition to the standards of Use G-8: Multifamily Building, the following standards shall apply:
 - (1) Minimum Acreage. A minimum tract size of three acres shall be required.
 - (2) Maximum Density. A maximum permitted density of 30 dwelling units per acre.
 - (3) Building Coverage. Not more than 20% of the area of each housing for the elderly development may be occupied by buildings.
 - (4) Building Height. No building in a mid-rise apartment development shall exceed the height of 65 feet.

- (5) **Parking Setbacks.** Parking spaces shall be placed so as not to interfere with any recreation or service area, and shall not be less than 25 feet from property lines or street right-of-way lines.
- (6) **Recreation and Open Space; Amenities.** The developer shall be required to maintain not less than 30% of the tract in usable open space for the provision of recreational and leisure time activities and facilities for the benefit of the elderly residents. A community room, indoor recreation area or similar facility shall also be required within each residential building.

C. **Safety Features.** Senior Independent Living or Active Living Facility developments shall contain at least the following safety features:

- (1) At least one elevator. All elevators shall be at least seven feet deep in order to accommodate a litter horizontally.
- (2) Nonskid floors.
- (3) Doors of sufficient width to accommodate wheelchairs for all rooms.
- (4) Electric cooking stoves.
- (5) Showers in place of tubs for more than 50% of the dwelling units.
- (6) Electric outlets at levels at least 24 inches above the floor.
- (7) Grab bars around tubs (where tubs are provided), shower stalls and toilets.
- (8) Central heating.
- (9) Handle-type spigots and doorknobs.
- (10) Emergency signals which can be activated within each apartment and which ring in adjoining apartments and at a central location.
- (11) Ramps wherever necessary for wheelchairs as an alternative to steps.

D. **Procedural 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 Subdivision Ordinance [Chapter 22] for a major subdivision:

- (1) Floor area (in square feet) of all apartment dwelling units.
- (2) Number of bedrooms per dwelling unit.
- (3) Total number of dwelling units.
- (4) Total number of acres in the proposed plan.

- (5) Total number of off-street parking spaces.
- (6) Exterior vertical and horizontal building dimensions.
- (7) Total ground area of each building.
- (8) All safety features included in each building required by this chapter, other ordinances of the Borough, and by other governmental agencies.

E. **Guaranteed Occupancy.** The developer shall file with the Borough a covenant, in form suitable for recording, approved as to form by the Borough Solicitor, in which the owner of the property and the developer covenant on behalf of themselves, their heirs, executors, administrators, successors, and assigns, not to subdivide the ownership of the property nor to use the property for any other use than housing for the elderly.

10. **Use G-10: Student Housing (Dormitory).** A building that is owned or operated by a licensed institution, the primary purpose of which is to provide temporary living accommodations for individuals associated with or attending the institution. This use is only permitted as an accessory use by special exception.

11. **Use G-11: Mobile Home Development.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes. The following additional standards shall be satisfied:

- A. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.
- B. At least 50% of the site shall be composed of developable land as defined in this chapter.
- C. Any tract intended for a mobile home park shall have direct access to a principal arterial. Plans showing provision for safe and efficient ingress and egress to and from the public streets and highways servicing the mobile home park, without causing undue congestion, danger, confusion or interference with the normal traffic flow, shall be prepared by a qualified Traffic Engineer.
- D. **Density.** The maximum permitted density in the mobile home park shall be eight (8) dwelling units per acre.
- E. **Dimensional Requirements.** The following dimensional regulations are the district standards which shall be achieved for any use, addition or alteration:

Minimum Lot Dimensions		
Lot Area	Lot Width	Lot Depth
5,000 square feet	50 feet	100 feet

Minimum Yard Dimensions		
Front	Side	Rear
25 feet	10 feet	25 feet
Coverage		
Maximum Building Area	Maximum Impervious Area	Minimum Green Area
40%	55%	45%
Building Dimensions		
Maximum Height	Maximum Length	Minimum Separation
35 feet	100 feet	20 feet
Note: Residential buffer requirements may change minimum yard size.		

- F. Distance between mobile home units. The minimum distance between mobile home units shall be 25 feet.
- G. Open space and recreation. At least 20% of the site area of the mobile home development shall be in common open space, no more than 1/3 of which shall be required buffer area.
 - (1) No less than 25% of this area shall be maintained as open space usable for recreation and leisure activities of residents of the development.
 - (2) No more than 25% of this area may be required buffer area(s).
- H. Streets. All streets shall be considered residential streets for design purposes and shall be constructed according to Borough subdivision standards.
- I. Construction. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.
- J. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.
 - (1) The pad, at least six inches in thickness, shall be constructed from concrete, asphalt concrete, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

- (2) Each mobile home shall be set level on sturdy and substantial supports.
 - (3) Skirts. All mobile homes placed within a mobile home development shall, prior to occupancy or other use, have skirts installed which are designed to complement the appearance of the mobile home park.
 - (4) Mobile homes shall comply with the requirements of all county, commonwealth and federal regulatory agencies having jurisdiction in such development.
 - (5) No lot shall be occupied until the streets, utilities, and all other required improvements, including the common open space to serve the occupants, shall be installed and approved by the Borough.
- K. No part of a mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, recreation and well-being of the residents and for the management and maintenance of the park (such as a store, laundromat or office not exceeding 2,000 square feet).
- L. The mobile home park shall have a central water supply and distribution system.
- M. Mobile home parks shall be used only where municipally operated sewer and water services are available. Individual lateral connections to the street sewer and to the mobile home shall conform to applicable Borough and commonwealth regulations.
- N. It shall be unlawful to operate a mobile home park within the Borough unless a license has been issued by the Borough, and unless a certificate of registration has been issued by Department of Environmental Protection.
12. **Use G-12: Group Home or Shared Residence Living Facility.** An establishment that provides a home, including room and board, to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services that are provided by a governmental agency, their licensed or certified agents, or a responsible nonprofit social service corporation. The group home must meet federal requirements. The applicant must:
- A. The use shall be licensed by the Commonwealth of Pennsylvania under the applicable regulations and shall provide information concerning the sponsor and proof of its licensing by the county or state.

§27-1710 Retail Uses

- 1. **Use H-1: Automotive Parts and Accessories.** Sale of automotive accessories, parts, tires, batteries and other supplies. Installation and storage of parts shall be in an enclosed structure.
- 2. **Use H-2: Automotive Sales/Large Farm or Garden Equipment Sales.** Automobile sales use includes facilities for the sale or lease of new or used automobiles, jeeps, motorcycles, trailers, trucks, tractors, and the like. Facilities may include showrooms, offices, display parking, service/repair, and delivery canopies, provided:
 - A. Customer and employee parking areas shall be clearly identified and shall not be

- used for vehicle display purposes.
- B. Except for incidental emergency repair work, vehicle repairs and service are to be conducted indoors.
 - C. Vehicle delivery shall be conducted on-site, or through off-site contract arrangements, but not from public streets or rights-of-way.
 - D. Display of vehicles shall not be placed on elevated stands or located within five feet of any property line.
 - E. Any accessory use on the same lot with and customarily incidental to this use is permitted, provided that the accessory use shall not occupy more than 50% of the premises and shall be conducted in direct relationship to the principal use.
 - F. Vehicle display spaces may be reduced to eight feet by 16 feet and may be stacked up to three cars deep without aiseways, provided no parking variances have been granted. The first row of front yard display vehicles adjacent to the public right-of-way may not be parked or displayed any tighter than achieved with ten-foot-wide parking spaces.
 - G. Front yard display vehicles shall not protrude into the public right-of-way or over buffer areas.
 - H. Sound systems shall not be audible off-site.
 - I. Delivery canopies shall not be located in yard setback areas.
3. **Use H-3: Bank.** A financial establishment where the primary use is the processing of credit or monetary transactions; including a savings and loan association, credit union, and other financial establishment.
 4. **Use H-4: Brewery/Winery/Distillery.** A commercial establishment where alcoholic beverages are produced on site that also serves alcoholic beverages for consumption on site.
 - A. A Brewery/Winery/Distillery shall provide food available for sale or for free at all times when alcoholic beverages are available to the public, or, shall allow patrons to bring in their own food or order food for take-out to be delivered to and consumed at the establishment.
 - B. A minimum of 50% of the alcoholic beverages produced on site shall also be sold on site.
 - C. The area used for brewing, distilling, fermenting, bottling, and kegging shall not exceed 40% of the total gross leasable floor area.
 - D. The production of alcoholic beverages without on-site sales to the general public for consumption on-site shall be considered a Production/Manufacturing/Assembly use.
 5. **Use H-5: Building Materials.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses involved in the retail sale or wholesale of building supplies, such as bricks, concrete, lumber, plumbing, roofing materials, doors, windows, and similar products typically purchased for construction and repair of buildings. Use A-11: Storage, Outdoor may be established as an accessory use to a building supply or lumberyard facility provided that all requirements of the use are met.
 6. **Use H-6: Coffee Shop or Tea Room.** A small shop serving tea and/or coffee, also known as a café. Such an establishment may also sell other food items. A Coffee Shop or Tea Room use shall be limited to 2,000 square feet of gross floor area. Larger establishments shall be considered Use

H-16: Specialty Food Stores or Use H-13: Counter Service Restaurants, as applicable.

7. **Use H-7: Convenience Store (Mini-Mart).** An establishment which includes the sale of retail items including, but not limited to, dry goods, prepared foods and foods prepared on-site which can be consumed on premises in seating provided or off premises, and may include the retail sale of motor vehicle fuel (including gasoline and diesel).
 - A. Building shall face and have direct pedestrian access from the primary street frontage.
 - B. The following accessory uses shall be permitted inside.
 - (1) Automated teller machines and financial services.
 - (2) Legal lottery sales.
 - (3) Sale of alcoholic beverages.
 - C. Gas pumps shall be permitted as an accessory or additional use in zoning districts where they are otherwise permitted and where all regulations for both uses are met on the site.
 - D. All sales and activities, except for the dispensing of gasoline, where permitted, shall be performed within a completely enclosed building. Vending machines and ATM's shall not be located outside of the building.
 - E. In the TC-1 and TC-2 Town Center Districts, the gross retail floor area shall not exceed 3,000 square feet.
 - F. At least one trash and one recycling receptacle shall be provided outside but within ten feet of the primary customer entrance to the building. All trash and recycling receptacles on site shall comply with Hatboro's Design Guidelines and the Subdivision and Land Development Ordinance.
8. **Use H-8: Grocery Store.** A retail store dedicated to the sale of food goods and associated household products customarily incidental to food shopping activity. Sometimes also known as a supermarket. A use shall be considered a Grocery Store if it includes fresh meat and poultry, dairy, dry and packaged foods, frozen food, and fresh fruits and vegetables. If all of these are not present, the use shall be considered a convenience store or specialty food store.
 - A. Cart return areas shall be clearly defined on the premises and shall not interfere with drive aisles or required parking spaces.
 - B. A pharmacy may co-locate inside of a grocery store if both uses are otherwise permitted in the zoning district.
9. **Use H-9: Age-Regulated Use.** An age-regulated use shall include the following uses as defined in § 27-202: adult use, bail bond agency, check cashing business, gun shop, hookah bar, pawnshop, payday lender, shooting range, and smoke shop. Any business that sells or offers products containing Delta-8 THC (tetrahydrocannabinol) or Kratom, and any business that permits or sanctions off-track betting or gambling on horse racing outside a racetrack shall also be considered an age-regulated use. These enumerated uses have statutory limitations that allow patronage only by individuals 18 years of age or older; however, a minor individual may accompany an adult under certain circumstances (e.g., an individual under 16 years of age may not use a shooting range unless

Commented [JM4]: Definitions for "Adult Use" and "Age-Regulated Use" added to support this regulation.

accompanied by a person 18 years of age or older, pursuant to 58 Pa. Code § 135.181). The following additional regulations must be satisfied:

- A. No age-regulated use shall be located on a lot that directly abuts a lot occupied by an existing residence, place of worship, public or private school, playground, or park.
 - B. Age-regulated uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of age-restricted activities, products, or materials from outside the building. No exterior display of products or activities shall be permitted, except for a sign that identifies the name of the establishment and its hours of operation, in conformance with the requirements of Part 18: Signs, of this chapter.
 - C. If any portion of a proposed use meets the definition of an age-regulated use, then the use shall be considered an age-regulated use and shall comply with the requirements of use H-9: Age-regulated use.
10. **Use H-10: Medical Marijuana Dispensary.** A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana. This term includes the facility from which medical marijuana is dispensed. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act (PA Act 16 of 2016, 35 P.S. §10231.101, et seq.).
- A. All medical marijuana dispensaries shall comply with all applicable standards, rules, regulations, and requirements of the Medical Marijuana Act, the regulations of the Department of Health, and all other regulations from the Commonwealth of Pennsylvania and the County of Montgomery.
 - B. Proof of permit. A medical marijuana dispensary or grower/processor shall provide to the Borough, proof of a current valid permit from the Pennsylvania Department of Health, and shall maintain a valid, accurate, and up-to-date registration with the Department of Health.
 - C. A medical marijuana dispensary shall operate entirely within an indoor, enclosed, and secure facility. Exterior sales, sidewalk displays, sidewalk signage, and drive-through services shall not be permitted.
 - D. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.
 - E. A Medical Marijuana Dispensary shall submit a floor plan for approval by the Borough Zoning Officer and Building Code Official that includes all security measures, facility storage, and waste locations. The floor plan shall demonstrate compliance with this ordinance and with all provisions of the Medical Marijuana Act.
11. **Use H-11: Motor Vehicle Fueling Station (Gasoline Station).** Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating,

washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

- A. Pumps shall be set back a minimum of 30 feet from parking spaces.
 - B. Fuel pump areas shall not interfere with parking spaces or internal circulation.
 - C. Canopies shall be set back at least
 - (1) 15 feet from property lines,
 - (2) 25 feet from the curblin of the street, and
 - (3) 50 feet from residentially zoned property or use.
 - D. Canopies shall have a maximum height of 16 feet measured to the underside of the canopy.
 - E. The clearance height of canopies shall be clearly signed for motorists.
 - F. Individual canopies shall have a maximum area of 6,000 square feet.
 - G. Multiple canopies shall be separated by a minimum distance of 15 feet.
 - H. Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using full cutoff flat lens luminaries.
12. **Use H-12: Pharmacy.** A retail store that is staffed with a licensed pharmacist or pharmacy technician to prepare, compound, and/or dispense prescriptions for medical drugs to specific individuals as ordered by a medical professional such as a doctor or nurse practitioner. A pharmacy may also sell goods for personal grooming, personal health and well-being, and other incidental items.
13. **Use H-13: Restaurant, Counter Service.** An establishment specializing in food and beverages that are prepared and served quickly, where food is typically ordered at a counter and often served in disposable containers that must be disposed by customers. Customers at Counter Service Restaurants typically pay for their food prior to consumption. This use is also commonly referred to as a fast-food restaurant or a fast-casual restaurant. A Counter Service Restaurant shall include seating but also may include carry-out services and drive-throughs where otherwise permitted.
14. **Use H-14: Restaurant, Table Service.** An establishment, or other retail use, or portion thereof, where food or beverages are sold for direct consumption on the premises to persons seated within or adjacent to the building. At Table Service Restaurants, customers typically receive an individual menu and are served the food or beverage by a restaurant employee at the table at which said items are consumed. Foods or beverages are typically served on non-disposable dishware.
- A. A Table Service Restaurant may include carry-out services and the sale of alcoholic beverages, but shall not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, entertainment, or to the sale of merchandise or non-food-related services.
 - B. Any restaurant that offers drive-through service shall not be considered a Table Service Restaurant.
15. **Use H-15: Retail Store.** A business providing the sale of goods and merchandise directly to consumers on site. Retail goods include such items as clothing, furniture, books, and used goods.

- A. There shall be no outdoor display, sales, or storage, unless explicitly permitted by the regulations of the zoning district in which the retail store is located.
 - B. A Retail Store may include tutoring, lessons, or classes as an accessory use.
 - C. A retail store shall not include a Pharmacy, Medical Marijuana Dispensary, Grocery Store, Convenience Store, or Restaurant.
16. **Use H-16: Specialty Food Store.** Retail shops specializing in a limited type of food product such as, bakeries, ice cream, cooking oils, butcher shops, etc. Foods are typically assembled or dispensed on the premises, primarily in disposable containers for home consumption or use, or take-out consumption elsewhere.
- A. Specialty Food Stores may include food production as well as sales.
 - B. Specialty Food Stores may include incidental seating.
 - C. Establishments selling primarily prepared food items which do not have restrooms for customers shall be considered Specialty Food Stores.
17. **Use H-17: Tavern/Bar.** Any premises wherein alcoholic beverages are served or sold for consumption on the premises, of which the principal business is the sale of such beverages.
- A. A Tavern/Bar shall provide food available for sale or for free at all times when alcoholic beverages are available to the public, or, shall allow patrons to bring in their own food or order food for take-out to be delivered to and consumed at the establishment.

§27-1711 Service Uses

1. **Use I-1: Automotive Detailing or Car Wash.** A building, structure or area of land with machine- or hand-operated facilities used principally for the cleaning, detailing, polishing, washing or waxing of motor vehicles:
 - A. All washing and drying facilities shall be located entirely within an enclosed building or roofed structure, with the exception of manual towel-drying of customers' automobiles by car wash employees.
 - B. Automatic car washes shall provide sufficient stacking lanes to accommodate a minimum of eight off-street vehicles. Self-service car washes shall provide sufficient stacking lanes to accommodate four vehicles per washing bay.
 - C. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - D. No less than one trash receptacle per washing lane, in addition to required dumpster, shall be located near the washing or vacuuming area.
 - E. On-site drainage systems shall be provided to prevent water runoff and freezing on streets and adjoining properties.
 - F. All water used for cleaning of vehicles shall be collected and recycled and/or treated according to industry standards of the International Car Wash Association.
 - G. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. **Use I-2: Bed & Breakfast.** A single-family detached dwelling which provides, by rent, overnight sleeping accommodations and bathroom access to guests. No more than eight rooms shall be rented. This use shall not include a boarding house, rooming house, or

group home.

- A. The owner or manager of the Bed & Breakfast shall reside at the site when guests are present.
 - B. Signage shall comply with the regulations for the underlying business district.
 - C. Bed & Breakfasts shall not include any use that provides cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met.
 - D. The length in occupancy per guest shall be at least one (1) day and no more than thirty days.
 - E. Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the stipulations of the Borough Fire Code. Guest shall be provided with information regarding the floor plan of the building and the location of emergency exits.
 - F. Owner shall maintain a current guest register, subject to inspection by the Borough.
3. **Use I-3: Custom Embroidery, Repair, or Sewing of Cloth Items.** A shop which offers primarily service related to cloth items, but may also include retail sale of goods. This use shall include tailors and embroiderers.
4. **Use I-4: Dry Cleaners.** Facilities or shops serving as drop-off sites for specialty clothes laundering. Dry Cleaners shall not have on-site cleaning equipment or processing other than clothes pressing.
5. **Use I-5: Food Preparation/Catering.** An establishment for the preparation of food and meals where such food and meals are consumed at another location.
6. **Use I-6: Hotel/Motel/Inn.** A facility offering transient lodging accommodations on a daily or weekly basis to the general public, having access to the accommodations through a central lobby.
- A. In the TC-2 Town Center District, Hotel/Motel/Inn uses shall only be permitted on the second floor and above.
 - B. Accessory uses such as restaurants or cafes, meeting/conference rooms, gym/health club, etc. shall be permitted if those uses are otherwise allowed in the zoning district.
 - C. The length in occupancy per guest shall be at least one (1) day and no more than thirty days.
7. **Use I-7: Kennel.** A building, structure, or outdoor facility used for the shelter, breeding, or boarding of three or more dogs. Kennel facilities shall satisfy the following standards:
- A. Proof of appropriate licensure shall be provided to the Borough.
 - B. Interior pens shall be soundproofed so that animal noises will not be heard off-premises.
 - C. Outdoor enclosures for animals shall be set back a minimum of 50 feet from any property lines.

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- D. The use shall be designed and conducted in such a manner that it will not constitute a nuisance to surrounding areas by reason of noise or odor.
8. **Use I-8: Laundry (self-service).** A business that provides washing and drying machines to be used by customers on the premises for a fee. Such facilities may also include the opportunity for customers to drop off clothes to be washed for a fee. Any laundering done on-site shall be done with washing machines using water and air dryers (no dry-cleaning or chemical-based cleaning).
9. **Use I-9: Parking Lot or Garage (commercial).** A surface, structured, or underground area for the temporary storage of motor vehicles for pay or for free that is accessible to the general public or to patrons of a specific business or businesses.
- A. For all types of parking uses:
- (1) Entrances to parking uses are preferred to be from alleys, local, and collector roads, not from arterial roads. If conditional use is required and the applicant wishes to have vehicles enter or exit from an arterial road, the applicant shall demonstrate why another route cannot be used and shall show how they intend to mitigate the interruption of driveway entrances on the streetscape.
 - (2) Safety signage for pedestrians and vehicles shall be included in areas where a driveway entrance to a parking area with at least six spaces crosses the public sidewalk.
- B. Parking garage – above-ground structured parking shall be constructed to the following minimum standards. In districts where a conditional use is required, applicants shall demonstrate conformance with the following standards at a conditional use hearing.
- (1) If the parking garage is located in the TC-1 Town Center or General District, it shall include an active, non-residential, customer-facing use on the first floor primary frontage of the building (along the street front) for the entire width of the structure and the first 30 feet in depth.
 - (2) In the Town Center General or Core Districts, traffic shall not enter or exit the parking garage from York Road, unless the applicant successfully demonstrates to Borough Council during a Conditional Use hearing why it is not possible to have traffic utilize an alley or side street.
 - (3) The façade of the parking garage facing a public way shall be treated in such a manner as to screen parked vehicles, and provide visual interest. This can be accomplished through the use of articulated precast concrete panels, ornamental grillwork, a false building front with artificial windows or openings, or by other means, such as utilizing a variety of building materials.
- C. Underground Parking Structures—shall be constructed to the following minimum standards:
- (1) These are permitted within any required setback, side yard, and rear yard, on any lot, provided no portion of the underground structure

extends above grade more than 3 feet at any point and all requirements for landscaping, screening, stormwater management, etc. are met.

Along any lot line abutting a street, "grade" means the elevation at the center line of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line.

- (2) A parapet or railing may extend above the permitted structure height, provided it is not greater than 36 inches in height and is set back from the property line at least 3 feet.
- (3) Such structures must conform to any corner site distance requirement. An underground parking structure may encroach upon any area set aside for the buffer, screening, or other planting requirements, so long as there is at least 4 feet of soil between the above ground surface and the top of the underground parking structure.

D. Surface parking lot: An area comprising a collective number of individual parking spaces that are not located within a building or structure. As an accessory use, parking lots shall be permitted in all zoning districts.

- (1) Parking spaces shall not be located in required buffer areas. Parking may be located in setback areas provided all landscaping, screening, and stormwater requirements can be met.
- (2) The re-striping of a parking lot shall require review by the Borough Zoning Officer to ensure compliance with all updated codes and requirements.
- (3) In the TC-1 Town Center District, a surface parking lot is not permitted as the principal use of a lot.
- (4) In the Town Center General district, a surface parking lot is permitted by conditional use subject to all of the above requirements of this section. In addition the applicant shall demonstrate the following:
 - (a) Include public art on the sidewalk frontages.
 - (b) Provide visually appealing landscaping along all sidewalk frontages.
 - (c) Provide safety features for pedestrians at areas where driveways cross the public sidewalk.
 - (d) Parking areas shall not be permitted as a principal use on lots that are wider than 75 feet along York Road. A building that contains a customer-facing non-residential use or uses shall be included on the lot so that the width of the parking lot shall not be greater than 75 feet.

10. **Use I-10: Personal Care Business.** A commercial use which requires direct, physical contact with the customer including barbershops, hair salons, nail salons, beauticians, estheticians, tattoo parlors, massage parlors, tanning salons, spas, and other similar uses.

- A. Personal Care Businesses may include accessory retail sale of goods and merchandise.
 - B. All appropriate state licenses must be obtained by anyone performing Personal Care services. Such licenses shall be available for inspection upon the request of members of the public or borough staff.
11. **Use I-11: Rental Agency, Vehicle.** A business specializing in providing for the temporary use of vehicles for loan or short-term lease or rent. Such use shall include businesses providing short-term transit of customers or their vehicles to and from assigned locations by automobiles, limos, vans, or trucks; and businesses providing the loan or lease of campers, haulers, trailers and other transport devices.
- A. Fleet vehicles, or vehicles used in providing the loan or lease service, shall be separated from required customer parking areas.
 - B. Campers, haulers, trailers, trucks, and other transport devices shall not be parked within the restricted front yard area.
 - C. Fleet vehicles parked in front yard areas shall be stored neatly and parked in even rows in required display spaces.
 - D. On-site washing is prohibited unless the premises contains a washing bay located within a building or in the rear of the premises.
12. **Use I-12: Repair Shop, Heavy.** A facility designed or intended for the repair, refurbishing, restoration, and rebuilding of large equipment such as motor vehicles, motorcycles, buses, trucks, engines, vending machines, trailers, and mechanical equipment.
13. **Use I-13: Repair Shop, Light.** A service shop for mending, restoring, rebuilding, servicing, or fixing smaller items that are not included in the definition of Heavy Repair Shop. This shall include the servicing of watches and clocks, shoes, bicycles, stereos, household appliances, computers and other electronic devices. This shall not include the repair of any motor vehicles.
- A. All items shall be repaired on the premises in an enclosed and roofed building.
 - B. Retail sales shall be permitted as an accessory use.
 - C. No outside storage is permitted.
14. **Use I-14 Tool or Equipment Rental.** A building or portion thereof involved in the lease or rental of new or used products not included in Use I-11: Rental Agency, Vehicle. The following additional standards shall be satisfied:
- A. There shall be no outdoor display or storage unless permitted by district regulations.
 - B. The making or selling of cooked food shall not be permitted as an accessory use.