

## **Part 4 | General Regulations**

### **§ 27-401 Introduction**

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

### **§ 27-402 Lots of Record**

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

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

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

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

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

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

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

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

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

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

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

generate dust. The Zoning Hearing Board may impose such other conditions as may be required.

### **§ 27-408 Accessory Uses**

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

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

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

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

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

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

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

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

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

(1) Use of principal or accessory permanent building as professional office or studio of a physician, dentist, teacher, artist, architect, landscape architect, musician, lawyer, professional whose practice does not require laboratory, workshop, or sales facilities on the premises. No more than three people in addition to practitioner may assist or be employed therein and the practitioner must live in the premises.

(2) Use of principal or accessory permanent building for home occupation as defined in § 27-202 of this chapter. No more than three people in addition to the home owner may assist or be employed therein, and the owner of the premises resides thereon.

(3) Use of rooms as sleeping quarters for rental to nonfamily members. Rooms may not be rented to more than two nontransient persons, with or without the provision of table board, and the lessor must reside on the premises.

D. Uses accessory to noncommercial recreational use customary refreshment and service uses in areas designated as public parks or recreation areas.

E. Uses authorized in this Part as accessory to a dwelling shall not be deemed to include health care facilities, animal care facilities, retail or wholesale facilities, storage or sale of tradesman equipment or supplies, facilities for personal services such as barbershop, beauty parlor, or businesses such as a hotel, tearoom, cafe, restaurant, or any similar use.

### **§ 27-409 Minimum Setback for Accessory Uses**

Except as otherwise provided in this chapter, an accessory building or structure may be erected within a side yard, provided it is located at least as far back from the street line as the foremost portion of the principal building.

### **§ 27-410 Yard Exception for Accessory Building**

1. Except as otherwise provided in this chapter, an accessory building or structure may be erected anywhere in the rear yard, but not nearer than eight feet from any side or rear property line; with the following additional exceptions:

A. An accessory building not erected on a permanent foundation may be erected anywhere in a rear yard, but not nearer than four feet from any side or rear property line.

B. An accessory building erected on a permanent foundation may be erected on the side property line if the adjoining property owner(s) give written consent and provided that the property line wall of any building so erected shall be of solid masonry construction.

C. On-ground and in-ground swimming pools may be erected in any side yard or rear yard but may not be nearer than eight feet from any side or rear property line.

D. No accessory building may be erected nearer than eight feet from any other existing building on the same or adjoining property. Provision must be made for the disposal of roof water onto the same property on which the building is erected or to the nearest storm sewer.

### **§ 27-411 Projections Into Required Yards**

1. No building or structure, and no part of a building or structure shall be erected within, or shall project into, any minimum required yard in any district, except that:

A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, and provided that in no case shall it extend into such front or rear yard more than one-half the existing depth of the yard.

B. A terrace, deck, platform, or landing, not covered by a roof, canopy, or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40% of the existing depth or width of the yard.

C. A carport may be erected over a driveway in such a required side yard; provided, that such structure is:

(1) Not more than 14 feet in height and 20 feet in length.

(2) Entirely open on all sides except where, attached to a building, exclusive of the necessary supporting columns and the customary architectural features.

(3) Does not extend closer to the side, lot line than the distance permitted for an accessory use building in the zoning district in which the carport is erected.

D. Open fire escapes or steps, bay windows, and balconies may project not more than three feet into any required yard.

### **§ 27-412 Fences and Walls**

Except as otherwise provided by this chapter, no fence or wall over six feet in height shall be erected within any open spaces required by this chapter; and further, no fence or wall over four feet in height shall be permitted forward of the building line, and any such fence or wall so erected forward of the building line shall contain openings therein equal to 50% or more of the surface area of the fence or wall. A permit fee shall be set, from time to time, by resolution of Borough Council.

### **§ 27-413 Height Exception**

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

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

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

### **§ 27-414 Removal of Topsoil**

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

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

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

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

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

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

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

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

### **§ 27-418 Condominium Ownership**

No section of this chapter shall be constructed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act, P.L. 286, 68 Pa.C.S.A. § 3101 et seq.

### **§ 27-419 Prohibition of Public Nuisances**

1. The following standards shall be followed throughout the Borough of Hatboro:

A. No building or structure shall be erected, altered, or used, and no lot or premises shall be used, for any trade, industry, or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination, or noise.

B. No lot or premises shall be used for the storage, deposit, or disposal of rubbish, junk, hazardous waste, or any noxious, offensive, or otherwise objectionable material.

### **§ 27-420 Minimum Lot Sizes With Respect to Sewage Disposal**

1. The following regulations shall apply, notwithstanding zoning district area and width requirements as otherwise set forth in this chapter:

A. In all residential districts of the Borough of Hatboro which are served neither with sanitary sewers nor with public water supply, lots shall have a minimum width at the building line of 150 feet.

B. In all residential districts of the Borough of Hatboro which are not served with sanitary sewers, but which are served with public, water supply, lots shall have a minimum area of 30,000 square feet and a minimum width at the building line of 125 feet.

C. Smaller lot sizes and widths than specified in Subsection 1A and B above, but not less than permitted in the zoning district regulations, may be permitted when authorized as a special exception and upon submission of satisfactory evidence to the fact that the smaller lot area or width will provide safe and effective sanitary sewage disposal in the particular location in question. Such evidence shall include, but shall not be limited to, a specific recommendation from the official representative of any governmental agency or municipal authority having jurisdiction of the subject matter. Lots served with capped sanitary sewer lines not connected to a sewage disposal plant shall not be considered as being served with public sewer.

D. No multiple dwellings, hospitals, sanitariums, convalescent homes, clubs, fraternal institutions, motor courts, motels, or mortuaries, or uses permitted in the retail commercial or industrial districts shall be erected, altered or used without service of sanitary sewers and public water supply.

E. No industrial plant shall dispose of any industrial wastes by emptying same into the sanitary or storm sewer systems or by disposing of same on any lot, public street or highway in the Borough of Hatboro, except as hereinafter provided:

(1) Industrial wastes may be emptied into the sanitary sewer system or into a private sewage disposal system when authorized as a special exception, and upon submission of satisfactory evidence that such wastes can be disposed of by a sewage disposal system. Such evidence shall include, but may not be limited to, specific recommendations from the official representative of any governmental agency or municipal authority having jurisdiction of the subject matter.

### **§ 27-421 Keeping of Domestic and Wild Animals**

1. Except as otherwise provided in this chapter, no building or structure shall be erected, altered, or used, and no lot or premises shall be used as a livestock barn, boarding stable, kennel, zoo, animal research laboratory, or any other facility for the keeping, breeding, experimental research, trade, or sale of domestic or wild animals except as a conditional use approved by Borough Council.

A. The Borough Council shall consider the suitability of the size of the lot, the disposal of animal wastes, the noise, odor, and dust created by such use, and the safety, health, and environmental hazards to neighboring uses as well as the adequacy of the proposed facilities for the proper care of the animals.

### **§ 27-422 Electric Substation in Residential District**

An electric substation located in a residential district shall not be permitted rotating equipment, storage of material, trucks or repair facilities, housing of repair crews, or offices of place of business.

### **§ 27-423 Private Swimming Pools**

1. For the purpose of this chapter, a private swimming pool shall be an accessory structure.

A. All private swimming pools shall be maintained in good condition with fence and required gates and ladders in place at all times. The Zoning Officer may order the repair or removal of any pool not properly maintained or protected from accidental access.

### **§ 27-424 Vehicle Parking/Storage**

1. The following regulations shall govern the parking or storage of motor vehicles, utility trailers, recreational vehicles, boats and boat trailers, and truck trailers in Residential and Office Zoning Districts:

A. Motor vehicles (as defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.) shall not be permitted to remain in public view if such motor vehicle does not have a legal license plate or is unable to be operated legally on a public street. This shall not apply to an emergency situation where a motor vehicle, owned by a resident of property in a Residential District, is permitted to remain on such property for a period not in excess of 96 hours.

B. Utility trailers more than eight feet in length, travel trailers, motor homes, or motor bus more than 25 feet in length may not be kept or stored in a Residential District. Any other recreational motor vehicle, boat, or boat trailer which does not create a nuisance or a health, safety, or fire hazard may be kept or stored in the rear yard in a Residential District only.

C. Any truck more than 18 feet in length, 80 inches in width, or more than 8,200 pounds in gross vehicle weight may not be parked in any driveway or parking lot, or kept or stored in any Residential District.

D. Major repairs to any motor vehicle which require more than 48 hours, or which create a health, safety, or fire hazard, or nuisance, or which detract from the character of the surrounding properties, shall not be permitted in any Residential or Office District. (The term "major repairs" shall include removal of body or mechanical parts rendering the motor vehicle legally inoperable as defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq.)

### **§ 27-425 Child Day Care**

No building or structure shall be used for the purpose of operating a child day care center, family day care home, or group day care home in the Borough of Hatboro without a special exception granted by the Zoning Hearing Board in accordance with the provisions found in Part 23 of this chapter.

### **§ 27-426 Dumpsters, Portable On-Demand Storage Units, and Shipping Containers.**

#### **1. Dumpsters Regulated.**

##### **A. Location.**

(1) Off-Street. Generally, dumpsters shall be placed on the property being serviced and not on the street in front of the property. No commercial or construction dumpster shall be located within 10 feet of an abutting building. Where compliance with this provision is not possible by virtue of the proximity of the buildings to one another, or where there are other compelling reasons (example: narrowness of street prevents delivery of dumpster onto property), on-street placement is permitted.

(2) On-Street. If permitted and the dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. In no case may the dumpster create a sight obstruction for vehicular or pedestrian traffic nor block sidewalks. The Borough Code Enforcement Officer may require that adequate safety mitigation measures in conjunction with the portable storage unit be undertaken by the applicant where necessary. In any event, a dumpster placed in the street:

- (a) Shall not be more than 18 inches from the curb;
- (b) Shall not obstruct driveways of abutting properties;
- (c) Shall be protected at both ends by a barricade, which, after sunset, shall have a flashing yellow light attached to it;
- (d) Shall have a reflector or reflective area of not less than 36 square inches at each end; and
- (e) May not be utilized where the remaining usable width of the roadway does not allow for the passage of motor vehicles around it.

##### **B. Time Limit.**

(1) A dumpster may remain on a property for 30 days, with up to two thirty-day extensions pursuant to the permitting provision below. Absent an emergency condition,

in no event shall a dumpster remain on a property in excess of 90 days in one twelve-month period.

(2) A dumpster placed on a public street may not remain for longer than 14 days at any one time and, absent an emergency condition, not more than on three separate occasions in one twelve-month period.

(3) When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage), then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve-month period.

C. Sanitation. The following requirements shall be maintained while the dumpster is on or at the site:

(1) The area around the dumpster shall be kept free of debris and litter;

(2) Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within 24 hours;

(3) Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor; and

(4) A full dumpster shall be removed from the property within two days.

D. Usage. A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed.

E. Identification. The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weatherproof manner on the dumpster.

F. Hazardous Materials. The use of dumpsters for the disposal of hazardous materials is prohibited. The Code Enforcement Officer or Fire Marshal may inspect the dumpster to ensure no such materials are being stored inside.

G. Condition of Portable Storage Unit. A dumpster with holes, breaks, tears, graffiti or large areas of rust, in the opinion of the Borough Code Enforcement Officer, may not be placed on or in front of any property.

## 2. Portable On-Demand Storage Units and Shipping Containers Regulated.

A. Location.

(1) Portable on-demand storage units and shipping containers are prohibited from being placed on an unpaved area (gravel shall be considered paved) in the front yard of a property. Portable storage units and shipping containers kept on site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit or container shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in the side or rear yard, portable storage units and shipping containers shall be located at least 10 feet from any property line, space permitting.

(2) If there is no driveway, the portable storage unit or shipping container must be located in front of the property on the street. If placed in the street, portable storage units and shipping containers must have flashing barricades stationed at either end, in such a way that the unit does not extend farther into the street than the flashing barricades. Reflectors shall be placed on the sides of the unit visible from the street. In no case may the portable storage unit or shipping container create a sight obstruction for vehicular or pedestrian traffic nor block sidewalks. The Borough Code Enforcement Officer may require that adequate safety mitigation measures in conjunction with the portable storage unit or shipping container be undertaken by the applicant where necessary.

B. Time Limit.

(1) A portable on-demand storage or shipping container unit may remain on a residential property for 30 days, with up to two thirty-day extensions pursuant to the permitting provision below, but for only five days with no extensions if on street. In no event shall a portable on-demand storage unit or shipping container remain on a residential property in excess of 90 days in one twelve-month period.

(2) A portable on-demand storage or shipping container unit may remain on a nonresidential property, or otherwise be used for nonresidential purposes, for 30 days, but for only five days if on street. In no event shall a portable on-demand storage unit or shipping container remain on a nonresidential property, or otherwise be used for nonresidential purposes, in excess of such time periods.

C. Use During Natural Disaster. The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units or shipping containers may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a certificate of occupancy for the principal structure(s) or 12 months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional twelve-month period or until a certificate of occupancy is issued, whichever occurs first.

D. Advertising. Advertising is prohibited on a portable storage unit or shipping container, with the exception of the name and phone number of the unit or container's supplier, which is required.

E. Hazardous Materials. The use of portable storage units and shipping containers for storage of hazardous materials is prohibited. The Code Enforcement Officer or Fire Marshal may inspect portable storage units and shipping containers to ensure no such materials are being stored inside.

F. Condition of Portable Storage Unit. A portable storage unit or shipping container with holes, breaks, tears, graffiti or large areas of rust, in the opinion of the Borough Code Enforcement Officer, may not be placed on or in front of any property.

3. Permit Required. A thirty-day permit shall be required for a dumpster, portable on-demand storage unit, or shipping container on property, and a fourteen-day permit (for dumpsters) and five-day permit (for portable on-demand storage units and shipping containers) shall be required for on-street placement. The permit shall be obtained from the Borough Code Enforcement Officer, and the fee shall be set by the Council by resolution. The permit shall be displayed in a weatherproof fashion on the dumpster, portable on-demand storage unit, or shipping container. Extensions for dumpsters, and for portable on-demand storage units and shipping containers on residential properties for residential purposes, are permitted pursuant to Subsections 1B(1) and 2B above.

4. Abatement. Any dumpster, portable on-demand storage unit, or shipping container not in compliance with this section is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster, portable on-demand storage unit, and/or shipping container, as the case may be.

5. Violations; Penalties.

A. Violation of any provision of this section shall be punishable by a fine in an amount of not more than \$300. Each day that a violation continues shall constitute a separate offense.

B. In addition, a person found guilty of a violation of this section shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

6. Relationship of Section to Other Borough Codes. If the provisions of this section are found to be inconsistent with any portion of other Codes of the Borough, the provisions of this section shall control.

### **§ 27-427 Lighting.**

1. All light fixtures shall contain lenses that focus light directly beneath the light fixture and shall not permit direct glare into nearby public or private properties.

2. Illumination trespass standards from one property to another shall be as follows:

A. In no case shall spill-over illumination more than 0.5 footcandle at ground level exist on any nonresidentially zoned or used property when measured, line of sight, at the property line of the aggrieved property.

B. In no case shall spill-over illumination more than 0.1 footcandle at ground level exist on any residentially zoned or used property when measured, line of sight, at the property line of the aggrieved property.