

Use Regulations

Part 17 | Use Regulations

§27-1701 Purpose

- A. It is the intent of this article to provide clear and specific definitions of uses permitted within the various zoning districts in the Borough of Hatboro.
- B. 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

- A. When a use is proposed, borough staff shall determine which code classification described herein best defines or matches the use being proposed.
- B. 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.
- C. Any one individual use not specifically prohibited that complies with Article ____: General Regulations and all other applicable sections of this ordinance shall be permitted by conditional use in the HI Heavy Industrial District.
- D. Unless they are expressly permitted by the individual zoning district, multiple principal uses shall not be permitted on a single lot.
- E. 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.
- F. 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.
- G. All uses permitted in this Ordinance shall be subject to all applicable county, state, and federal codes and regulations.
- A. 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.
 - 1. Conforming Use: The use meets all applicable standards and regulations as established by Chapter 27: Zoning.
 - 2. Nonconforming Use: The use does not meet all applicable standards and regulations established by Chapter 27: Zoning.

- a. 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.
 3. Illegal Use. A use which may or may not conform to zoning, but never received required Borough approval.
 4. Federal and State property is subject to the provisions of this Article only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.
- B. 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 Legal Status of Uses](#)

[§27-1704 Categories of Permitted Uses](#)

§27-1704.A Accessory Uses.

- A. **Accessory Dwelling Unit.** A self-contained dwelling unit within a detached accessory structure or connected to a principal use which is complete with food preparation and bathroom facilities, has direct access to the outdoors or to a hall from which there is direct access to the outdoors, and is accessory to the principal use unit that exists on the property.
1. Intent. The intent of these provisions is to:
 - a. Provide more affordable housing.
 - b. Allow more options for family caregivers to provide support for elderly relatives or other family members who need care.
 - c. Ensure Accessory Dwelling Units (ADUs) fit unobtrusively into residential neighborhoods.
 2. Accessory Dwelling Units are subject to the following conditions:
 - a. An ADU is only permitted as accessory to a single family detached dwelling unit
 - b. No more than one (1) ADU will be permitted on any lot.
 - c. Occupancy. The owner of the property must live on the lot if the Principal Use is a residential use.
 - d. Dimensional requirements:
 - i. The maximum size of an ADU shall be less than 40 percent of the square footage of the Principal Use.
 - ii. An ADU may not be a mobile home, motor home or trailer.
 - iii. Detached ADUs must comply with all setbacks for accessory uses in the underlying zoning district and be at least 10 feet from all

property lines.

- iv. Each ADU must have a kitchen and a full bath, but not more than one bedroom.
 - v. The utility systems (electric, water, sewer, etc.) must meet all applicable Borough requirements.
- e. Zoning permit.
- i. A zoning permit shall be required for construction or occupancy of an ADU.
 - ii. A zoning permit shall be issued for a period of no longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.
 - iii. Renewal of permits requires inspection by Borough Staff.
 - iv. If a permit for an ADU is not renewed, all rights granted to the Landowner under such permit shall expire. The Landowner shall re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.
- f. In the Town Center Core and Town Center General Districts, an ADU shall not be located on the first floor of the principal building.

B. Short-Term Rental. The renting out of one or more rooms in a single-family detached dwelling on a short-term basis, usually through websites such as Airbnb or VRBO. This short-term rental use is allowed subject to the requirements for a single-family detached dwelling and the provisions listed below.

- 1. Accessory use. This short-term rental use shall be accessory only to a single-family detached dwelling and shall be allowed only where:
 - a. The dwelling is the principal building on the property and used by its owner(s) as his/her/their primary residence.
 - b. The room(s) offered for rent shall be within the principal building and shall not be in an accessory building.
 - c. The owner of the dwelling must be present overnight in the dwelling during the course of the short-term rental.
 - d. The rental period for a specific occupant(s) shall be less than 15 consecutive nights.
 - e. The total rental period shall be no more than 20 separate rentals a year.
 - f. The entire principal dwelling shall not be rented out.
- 2. The owner shall rent out no more than two bedrooms of the dwelling.
- 3. The owner shall be responsible for any zoning or other ordinance violation(s) committed by any short-term tenant, in addition to the tenant's liability.
- 4. Application and permit. The following shall be complied with concerning the application for and issuance of a zoning permit for this accessory use:
 - a. Contact information for the owner in case of emergencies or violations shall be provided with the application.

- b. Along with the permit application, owner/applicant shall provide proof of the applicant's ownership of, and permanent residence of, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license or voter registration or U.S. passport showing the address of the property or other document(s) which the zoning officer determines provides equivalent proof of permanent residence.
- c. A zoning permit for this use shall only last one year. The owner/applicant is responsible for renewing this permit in a timely fashion.
- d. A zoning permit for this use may be revoked by the Township for any of the reasons listed below. An owner/applicant whose short-term rental zoning permit has been revoked pursuant to this subsection shall not be eligible to receive a new zoning permit for this use for one year:
 - i. The owner is cited for three or more zoning violations by the Township within any twelve-month period.
 - ii. The owner is cited by the Township for any single violation of any specific regulation of this accessory use.

§27-1704.G Residential Uses

- A. Use G-1: Boarding House.** An establishment, building, or dwelling that is the primary residence of the owner, and in which rooms and meals are provided for compensation to not more than five unrelated persons, and where food is placed upon the table family-style in central kitchen or dining areas, without service or ordering of individual portions from a menu.
- B. Use G-2: Group Home/Personal Care Home:** 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. 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.
- C. Use G-3: Mobile Home Park.** 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 net 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	25 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 25% of which shall be required buffer area.
 - i. No less than 25% of this area shall be maintained as open space usable for recreation and leisure activities of residents of the development.
 - ii. 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 Township 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.
 - i. 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.

- ii. Each mobile home shall be set level on sturdy and substantial supports.
- iii. 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.
- iv. Mobile homes shall comply with the requirements of all county, commonwealth and federal regulatory agencies having jurisdiction in such development.
- k. 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 Township.
- l. 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).
- m. The mobile home park shall have a central water supply and distribution system.
- n. 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 Township and commonwealth regulations.
- o. It shall be unlawful to operate a mobile home park within the Township unless a license has been issued by the Township, and unless a certificate of registration has been issued by Department of Environmental Protection.

D. Use G-4: Multifamily Residential Development. 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:

- 1. Dwelling units available for lease for a period of less than 30 days or less shall not be classified as Multifamily Residential.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. Minimum distance between buildings.

- a. 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.
6. 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.
7. 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.
8. All parking shall be designed so that cars may enter and leave without the need to move other parked vehicles.
9. Each Multifamily Building use with at least 12 dwelling units shall have no more than 80% of one bedroom type (an efficiency shall be considered separately from a one-bedroom unit).
10. Multifamily Dwelling Units shall be permitted as part of a mixed-use building where such use is permitted by the zoning district.
11. In the Town Center Zoning Districts, Multifamily Residential shall only be permitted as part of a Mixed-Use building.

E. 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 at least three (3) but no more than eight (8) such dwelling units, with each unit 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.

F. Use G-6: 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.

G. Use G-7: 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 the two dwellings, and is located on the lot line dividing the properties, but the pair of dwellings are otherwise surrounded by required yard areas and not attached to any other buildings.

H. Use G-8: 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.
- I. **Use G-9: 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. Village House dwellings are located on smaller lots than are otherwise permitted for single-family detached dwellings.

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