**BOROUGH OF HELLERTOWN**

**NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO.: 833**

AN ORDINANCE OF THE BOROUGH OF HELLERTOWN AMENDING CERTAIN PROVISIONS OF ORDINANCE NO.: 644, AS AMENDED, KNOWN AND CITED AS THE HELLERTOWN BOROUGH ZONING ORDINANCE OF 2002 AS AMENDED AND AS SET FORTH IN BOROUGH CODE CHAPTER 450 MODIFYING DEFINITION OF UNIT, CLARIFYING RECREATION FEES IN COMMERCIAL ZONING DISTRICTS, ADDING A MUNICIPAL EXCLUSION IN THE ZONING ORDINANCE, MODIFYING FLEXIBLE REDEVELOPMENT OVERLAY TO HIGHAWY COMMERCIAL AND ADDING A DEFINITION OF MUNICIPAL USE FOR VARIOUS ZONING DISTRICTS, ADDING LOT AREA AND DIMENSION REQUIREMENTS AND CLARIFY THE FRO ZONING DISTRICT AND AMENDING THE BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AS AMENDED AND AS SET FORTH IN CHAPTER 390 OF THE BOROUGH CODE OF ORDINANCES TO PROVIDE NON RESIDENTIAL RECREATION FEES

 THE COUNCIL OF THE BOROUGH OF HELLERTOWN, County of Northampton, Commonwealth of Pennsylvania, hereby enacts and ordains the following amendments to Ordinance No. 644, the Hellertown Borough Zoning Ordinance of 2002 as adopted by said Borough Council on July 1, 2002 and as set forth in the Code of the Borough of Hellertown Ordinances Chapter 450 and as subsequently amended; and

 WHEREAS, to enact and ordain an amendment to the Hellertown Subdivision and Land Development Ordinance as adopted by Borough Council and as set forth in Chapter 390 of the Code of the Borough of Hellertown and subsequently amended; and

 WHEREAS, the Borough believes this ordinance is necessary to guide and regulate the orderly growth, development and redevelopment of the Borough in accordance with the goals, objectives and plans of the 2009 Multi-Municipal Comprehensive Plan. These goals, objectives and plans are hereby incorporated as objectives of this Ordinance; and

 WHEREAS, to protect the established character and the social and economic well-being of private and public property and to ensure proper development and uses of property and to ensure all uses are accounted for and developed in accordance with the characteristics of the surrounding neighborhood.

 NOW THEREFORE, BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF HELLERTOWN, COUNTY OF NORTHAMPTON AND COMMONWEALTH OF PENNSYLVANIA TO AMEND ORDINANCE NO. 644 AND AS AMENDED AND AS SET FORTH IN CHAPTER 450 AS FOLLOWS:

 1. **SECTION 1**. Section 450-7 entitled “Definitions”; word usage” shall be modified by adding the below definitions as follows. Underlined text shall be added, strikethrough text shall be deleted.

 A. (1) UNIT - FOR NURSING HOMES AND RELATED FACILITIES- A unit shall be defined as an area containing four (4) occupants. (This definition of unit shall apply to the following uses: "nursing home", "convalescent home," "treatment center", and “hospital”)

 B. (2) Unit – A DWELLING – Which contain separate living units in which the occupants do not live and eat with other persons within the same structure and which have direct access from the outside of the building or common area. This definition of a unit shall apply to “assisted living facilities”, and “housing for the elderly”.

 C. MUNICIPAL USE – A use of publicly owned property for municipal purposes to further the general welfare of the community or the operation of municipal government.

 2. **SECTION 2**. SALDO Section 390-27 entitled “Open Space and Recreation Area” shall be modified by adding the below underlined text and strikethrough text shall be deleted for Section 390-27(c):

 c. In proposed subdivision intended to provide housing for less than 50 families or whenever a new residential unit is initially created or there is a conversion of a dwelling unit into two or more residential apartments, or non-residential land development, cash in lieu of open space dedication for each new residential unit or non-residential land development may be required by Borough Council and may be used for recreational purposes in accordance with the standards as set forth in § 390-27B. Payment of recreational fees shall be paid at the time of issuance of the building permit.

 3. **SECTION 3**. The title of Section 450-17.1 of the Zoning Ordinance shall be modified as follows by adding the underscored language and the strikethrough text will be deleted.

 450-17.1. [Flexible Redevelopment Overlay.]

 4. SECTION 4. Section 450-10 entitled “R-1 Residential” shall be modified as follows by adding the underscored language and the strikeout text will be deleted:

 A. Permitted Uses:

 (5) Municipal use

 B. Section 450-10(D) Lot area, width, building coverage and height regulations shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum

 Lot Area Lot Width Building Impervious Building

 (Sq. ft.) (Feet) Coverage lot Coverage of lot Height (feet)

Municipal use \_\_\_\_\_\_\_\_ 35 40% 65% 40%

 C. Section 450-10(E) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard One Side Both Side Side Yard Rear Yard

 (feet) Yard (feet) Yards, Total Abutting Street (Feet)

 Width (Feet) (feet)

Municipal Use 25 7 16 20 30

 5. SECTION 5. Section 450-11 entitled :R-2 Residential” shall be modified as follows by adding the underscored language and the strikeout text will be deleted.

 A. Permitted Uses:

 (10) Municipal Uses

 B. Section 450-11(D) Lot area, density, width, building coverage and height regulations shall be modified as follows:

Uses Minimum Maximum Minimum Maximum Maximum Maximum

 Lot Area Density Lot Width Building Impervious Building

 (Sq. ft.) (units/ (Feet) Coverage Coverage of lot Height acre) of lot (feet)

Municipal None 45% 65% 45

Use

 C. Section 450-11(E) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Each Unattached Side Yard Rear Yard

 (feet) Side Yard (feet) Abutting Street (feet)

 (feet)

Municipal Use 25 5 15 20

 6. SECTION 6. Section 450-12 entitled “Mixed (M)” shall be modified as follows by adding the underscored language and strike and text will be deleted.

 A. Section 450-12(A) entitled “Permitted Uses” shall be modified as follows:

 (14) ~~Building or facility for municipal and governmental use~~ Municipal Use

 B. Section 450-12(E) Lot area, width, density, building coverage, minimum and maximum height regulations and maximum building footprint shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum Minimum Maximum Maximum

 Lot Area Lot Width Density Building Impervious Building Building Building

 (Sq. ft.) (feet) (units/ Coverage Coverage Height Height Footprint acre) of Lots of Lots (stories) (feet) (Sq. Ft)

Municipal 65 40

Use

 C. Section 450-12(F) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Each Unattached Side Yard Rear Yard

 (feet) Side Yard (feet) Abutting Street (feet)

 (feet)

Municipal Use 10 5 10 10

 7. SECTION 7. Section 450-13 entitled “Town Center (TC)” shall be modified as follows by adding the underscored language and the strikeout text will be deleted.

 A. Section 450-13(A) shall be modified as follows:

 (8) ~~Building or facility for municipal and governmental use~~ Municipal Uses

 B. Section 450-13(E) Lot area, width, density, building coverage, minimum and maximum height regulations and maximum building footprint shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum Minimum Maximum Maximum

 Lot Area Lot Width Density Building Impervious Building Building Building

 (Sq. ft.) (feet) (units/ Coverage Coverage Height Height Footprint acre) of Lots of Lots (stories) (feet) (Sq. Ft)

Municipal None 80% 85%

Use

 C. Section 450-13(F) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Each Unattached Side Yard Rear Yard

 (feet) Side Yard (feet) Abutting Street (feet)

 (feet)

Municipal Use None 7 None 10 \_

 8. SECTION 8. Section 450-14 entitled “Shopping Center (SC)” shall be modified as follows by adding the underscored language and strikeout text will be deleted.

 A. Section 450-14(A) shall be modified as follows:

 (18) Municipal Uses

 B. Section 450-14(E) Lot area, width, building coverage, minimum and maximum height regulations and yard requirements shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum

 Lot Area Lot Width Building Impervious Building

 (Sq. ft.) (Feet) Coverage lot Coverage of lot Height (feet)

Municipal use \_\_\_\_\_\_\_\_ 65% 80% 40

 C. Section 450-14(F) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Side Yard Rear Yard

 (feet) Abutting Street (feet)

 (feet)

Municipal Use 30 10 25

 9. SECTION 9. Section 450-15 entitled “Industrial (I)” shall be modified as follows by adding the underscored language and strike and text will be deleted.

 A. Section 450-15(A) shall be modified as follows:

 (A)(1)(i) ~~Municipal building or facility~~ Municipal Use

 B. Section 450-15(E) Lot area, width, building coverage, minimum and maximum height regulations and yard requirements shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum

 Lot Area Lot Width Building Impervious Building

 (Sq. ft.) (Feet) Coverage lot Coverage of lot Height (feet)

Municipal use None\_\_\_\_\_\_\_\_ 65% 80% 50

 C. Section 450-15(F) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Side Yard Side Yard Rear Yard

 (feet) (feet) Abutting Street (feet)

 (feet)

Municipal Use 25 10 20 20

 10. SECTION 10. Section 450-16 entitled “Conservation (C)” shall be modified as follows by adding the underscored language and strike and text will be deleted.

 A. Section 450-16(A) shall be modified as follows:

 (4) ~~Municipal building or facility~~ Municipal Use

 B. Section 450-16(D) Lot area, width, building coverage, minimum and maximum height regulations and yard requirements shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum

 Lot Area Lot Width Building Impervious Building

 (Sq. ft.) (Feet) Coverage lot Coverage of lot Height (feet)

Municipal use None\_\_\_\_\_\_\_\_ 65% 85% 40

 C. Section 450-16(E) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Side Yard Side Yard Rear Yard

 (feet) (feet) Abutting Street (feet)

 (feet)

Municipal Use 50 15 25 40

 11. SECTION 11. Section 450-17 entitled “Highway Commercial (HC)” shall be modified as follows by adding the underscored language and the strikeout text will be deleted.

 A. Section 450-17(A) A Permitted Uses shall be modified as follows:

 (15) ~~Municipal building or facility~~ Municipal Use

 B. Section 450-17(E) Lot area, width, building coverage, minimum and maximum height regulations and yard requirements shall be modified as follows:

Uses Minimum Minimum Maximum Maximum Maximum

 Lot Area Lot Width Building Impervious Building

 (Sq. ft.) (Feet) Coverage lot Coverage of lot Height (feet)

Municipal use None\_\_\_\_\_\_\_\_ 65% 80% 40

 C. Section 450-15(F) Minimum Yard Requirements shall be modified as follows:

 Minimum Acceptable Dimensions

Uses Front Yard Side Yard Rear Yard

 (feet) Abutting Street (feet)

 (feet)

Municipal Use 30 15 25

 12. SECTION 12. Section 450-17.1 entitled “Highway Commercial (HC)” shall be modified as follows by adding the underscored language and the strikeout text will be deleted.

 A. Preamble shall be modified as follows:

 (450-17.1) ~~Highway Commercial District HC~~ Flexible Redevelopment Overlay District

 B. Section 450-17.1(I) entitled “Design Standards shall be modified as follows:

 (b) For buildings incorporating residential uses the building shall be designed so that it shall provide a minimum of 50% of the first floor building footprint as permitted non residential use.

 13. SECTION 13. Section 450-17.1(A) entitled "Procedural Requirements" shall be modified as follows by adding the underscored language as new sub section (A)(3)

 Section 17.1(A) Procedural requirements:

 (3) After review by the Planning Commission, Borough Council may, in its sole and absolute discretion, determine whether the applicant's proposal meets the intent of zoning ordinance Section 450 - 17(l) entitled "Design Standards."

 14. SECTION 14. Section 390.21 entitled "Block and lots standards" subsection (f) shall modify subsection (f)(2) as follows by adding the underscored language:

 Section 390-21(f) "Front on public street":

 (2) The facade and entrance of a primary permitted structure shall face and address a public street having a cartway width of no less than 30 feet.

 15. Section 15. Section 450-28 and titled "Apartment in combination with stores and offices" shall be modified by adding new Subsection C as follows:

 Section 450-28 Apartment in combination with stores and offices:

 (C) The total combined number of residential and commercial units on a lot shall be no more than the total permitted density of dwelling units in that district.

 16. **SECTION 16**. Severability. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been include herein.

 17. **SECTION 17**. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

 ORDAINED AND ENACTED as an ordinance as a regular meeting of the Borough of Hellertown, Northampton County, Pennsylvania, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2020.

ATTEST: BOROUGH OF HELLERTOWN

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Secretary Borough Council President

 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

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 MAYOR