

## **CHAPTER 22**

### **SUBDIVISION AND LAND DEVELOPMENT**

Editor's Note: All pictures that were included in the original Ordinance 1964, and subsequent amendments, have not been included in this text version of the ordinance. They are on file at the Borough Office and may be viewed upon request.

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**Part 1**

**Purpose**

**§100. Title.**

This Chapter shall be known as the "Pottstown Subdivision and Land Development Ordinance."

(Ord. 1964, 5/12/2003, §100)

**§101. Purpose.**

This Chapter is designed to:

1. Guide new development to preserve and enhance Pottstown's traditional town character, preserve its historic resources and revitalize its older areas.
2. Protect the environment and enhance and conserve water resources by:
  - A. Increasing permeable surfaces to increase groundwater recharge and mitigate runoff into our streams and the Schuylkill River.
  - B. Planting more trees to filter and improve the quality of groundwater recharge.
3. Promote the general welfare by increasing the amenities of the Borough and lowering the cost of living in Pottstown through good urban design.
4. Promote the conservation of energy through the use of sound planning practices.

(Ord. 1964, 5/12/2003, §101)

**§102. Effect.**

The provisions of this Chapter shall regulate all subdivisions of land and development of land in Pottstown, including additions to existing buildings and the construction of any infrastructure such as parking lots, streets or sewer lines.

(Ord. 1964, 5/12/2003, §102)

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### **§103. Details.**

For details about the purpose and effect of this Chapter, see Appendix A1, Sections A100 through A104, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)

## Part 2

### Applications

#### **§200. Application Procedure.**

Any applicant who seeks to subdivide or develop land must submit a plan, also known as a plat, for the Borough's review and approval. Any application filed by a person other than the legal owner shall include proof that the legal owner consents to the filing of the subdivision or land development, such as an agreement of sale, lease, or letter of consent.

(Ord. 1964, 5/12/2003, §200; as amended by Ord. 2042, 8/13/2007)

#### **§201. Voluntary Sketch Plan.**

Before going to the expense of preparing a formal plat, applicant may want to informally discuss their plans with the Pottstown Commission at one of its meetings. This is a voluntary process offered at no cost by the Borough solely as a courtesy to potential applicants.

Planning Commission members will be happy to unofficially review the potential applicant's plans – a rough layout of the proposed subdivision or land development would be helpful – and offer unofficial suggestions and comments. However, a legally binding review of a plan will not begin until a formal plat submission is made, and nothing said by any Planning Commission member, Borough employee or consultant will obligate the Borough to any particular course of action regarding a formal plat submission.

(Ord. 1964, 5/12/2003, §201)

#### **§202. Formal Application Procedure.**

Any applicant who seeks to subdivide or develop land must begin the process by submitting a preliminary plat to the Borough Zoning Officer. Usually within 90 days after the plat is submitted to the Zoning Officer.

1. The plat shall be reviewed by:
  - A. The Pottstown Planning Commission
  - B. The Borough Engineer
  - C. The Montgomery County Planning Commission
  - D. Any others whose advice might be needed.

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2. The Borough will notify all property owners within 300 feet of the land being subdivided or developed that a plan has been submitted, giving them the opportunity to comment on the plat. The cost of notification will be paid by the applicant.
3. The Pottstown Planning Commission will discuss the plat with the applicant at a public meeting. Changes may be made before a final plat is drawn up and submitted. Citizens will be free to offer their views about the plat at the public meeting.
4. The Pottstown Planning Commission shall make a recommendation to Pottstown Council.
5. Pottstown Council shall decide to accept or reject the plat.
6. Pottstown Council shall inform the applicant whether the plat has been accepted or rejected. If the plat has been rejected, Council shall place in writing the reasons why the plat has been rejected.
7. If the plat is accepted, the developer shall record the plat at the Montgomery County Recorder of Deeds within 90 days of approval. The Record of Deeds, however, will not accept the plat unless there is a seal on the plat signifying it has been reviewed by the Montgomery County Planning Commission and approved by the Borough of Pottstown.

(Ord. 1964, 5/12/2003, §202)

### **§203. Details.**

For details about legal process, see Appendix A2, Sections A200 through A208, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)

### **Part 3**

#### **Filing Fees**

##### **§300. Filing Fees.**

Filing fees shall be paid to the Borough at the time that subdivision and land development applications are filed. Applications are not considered filed until all fees are paid in full and a completed application (including all plans) has been submitted.

1. County Review. One fee will cover the cost of the review by the Montgomery County Planning Commission, as established from time to time by the Montgomery County Commissioners. This fee must be paid at the time of filing.
2. Borough Review. Another fee must be paid to the Borough of Pottstown. This will cover the cost of having the Borough Engineer and/or other professional consultants engaged by the Borough review the plan. The fee will be based on the prevailing hourly rate, including salary, wages, and fringe benefits of the Borough Engineer and/or consultants. Initial fees, to be paid at the time of the application, shall be in amounts as established from time to time by resolution of Borough Council. Additional fees shall be paid as established from time to time by Borough Council.

(Ord. 1964, 5/12/2003, §300)

##### **§301. Details.**

For details on fees and the appeal process for disputing any fee, see Appendix A3, Sections A300 through A301, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



## Part 4

### Plan Requirements

#### §400. Plan Requirements.

The preliminary and final plans for a subdivision and/or land development shall comprise a single plan or a series of plans that includes the five (5) types of information listed below.

1. Location and Identification. The plan shall:
  - A. Identify and locate the parcel being subdivided and/or developed.
  - B. Identify the owner/applicant of the subdivision or land being developed.
  - C. Identify the engineer or surveyor who prepared the plan.
2. Existing features on the plan and conditions of the site. The plan shall:
  - A. Show the boundary of the parcel and label the bearing and distances.
  - B. Show all existing above ground features of the parcel, including but not limited to:
    1. Buildings.
    2. Fences, walls.
    3. Vegetation.
  - C. Show all existing underground features on the parcel, including but not limited to:
    1. Sanitary sewer lines and water lines.
      - (a) If any existing lines are to be abandoned, plans shall clearly note the following: "Any existing sewer or water lines to be abandoned, or any services which may have been previously abandoned not in accordance with the Authority standards, shall be cut and capped at the mains as per Pottstown Borough Authority specifications."
      - (b) Existing sewer and water lines to existing buildings that are to remain shall be verified as single and separate services with the appropriate Authority and the results noted on the plan.

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2. Stormwater drainage.
  - D. Show topographical information which depicts the elevation throughout the parcel with contour lines of at least 2 feet.
3. Existing features off site. The plan shall:
  - A. Show physical features and topography on the property surrounding the subject parcel for a distance of 100 feet, unless a greater distance is deemed necessary by the Zoning Officer because of unconventional topographic conditions.
4. Proposed Features. The plan shall clearly indicate all proposed physical features planned for the parcel, including but not limited to:
  - A. New buildings.
    - (1) Exact location(s) and actual footprint of proposed building(s).
    - (2) Dimensional lines:
      - (a) From the proposed building(s) to front, side and rear property lines.
      - (b) From the proposed building(s) to existing building(s) on adjacent properties and building(s) to remain on the lot.
    - (3) All plans shall clearly note:
      - (a) “The proposed building(s) shall be staked in the location as shown on the plan and approved by the Building Inspector/Zoning Officer prior to the issuance of a building permit. Also, setback or separation dimensions as indicated on the plan shall be maintained throughout the construction. Field adjustments for building location may require an amended plan, subject to the discretion of the Borough or its representatives.”
  - B. Parking lots.
  - C. Utility lines.
  - D. Topographical information to depict areas of earthmoving and storm drainage.
  - E. Scaled architectural/construction drawings of the new building(s) shall be submitted with the subdivision and/or land development plans and consist of the following:

- (1) Elevations, including materials used for each façade facing a street.
  - (2) A description of materials comprising the façade of the proposed building(s).
  - (3) Foundation/first-floor plan.
  - (4) Any additional plans that the Borough may require to accurately review and assess the proposed building(s).
- F. New streets.
- G. Walls, fences.
- H. Landscaping.
- I. Lighting.
5. Certificates and Assurances.
- A. Certification of a "Phase One" Environmental Site Assessment shall be attached in accordance with ASTM (American Society for Testing and Materials) standards.
  - B. The plan shall include the seal and signature of the engineer or surveyor who prepared the plan and a statement verifying the accuracy of the survey. The plan shall also include blocks for the certification of the owner and approval of Borough Council, the Pottstown Planning Commission and the Montgomery County Planning Commission. Samples are included in Appendix A4, Section A408, located at the end of this Chapter.

(Ord. 1964, 5/12/2003, §400; as amended by Ord. 1985, 10/12/2004, § 1; and by Ord. 2042, 8/13/2007)

#### **§401. Details.**

For detailed requirements, see Appendix A4, Sections A400 through A408, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



## Part 5

### Design

#### **§500. Design Standards – Community Development Objectives.**

Pottstown is a traditional town, constructed in an era when houses, stores and factories were placed in close proximity to one another so people could walk most places they needed to go. Great care was exercised to make buildings attractive and long-lasting, and to arrange them in a pleasing and efficient pattern.

To preserve the historic character of our town, Pottstown requires new development to be compatible with the best of our existing neighborhoods. Quality landscaping, the preservation of open space, and good street design are essential to enhance Pottstown's quality of life.

Details: For detailed standards, see Appendix A5, Sections A500 through A532, located at the end of this Chapter.

(Ord. 1964, 5/12/2003, §500)

#### **§501. Open Space Preservation.**

Because Pottstown was mostly built out before modern recreation standards were established, the Borough has a deficit of parks and open space. Therefore, residential subdivisions and residential land developments creating additional dwelling units or lots for additional dwelling units, or nonresidential subdivisions or land developments of any size, shall provide land for open space and recreation facilities. For detailed requirements, see Appendix A5, Sections A504 through A508, located at the end of this Chapter.

(Ord. 1964, 5/12/2003, §501; as amended by Ord. 2034, 1/8/2007)

#### **§502. Landscaping.**

Pottstown does not have the huge lawns of the suburbs or the woodlands and open fields of the countryside. Pottstown is densely populated, by American standards, with houses and other buildings placed close to each other and to the street. Much of Pottstown's surface area is covered by buildings and paved surfaces.

To protect and enhance its visual and natural environment, Pottstown encourages abundant and carefully designed landscaping, especially the planting of shade trees that will create large canopies at maturity.

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Shade trees:

- \* Fight global warming by absorbing greenhouse gases
- \* Filter pollutants from the air
- \* Lower ambient temperatures in the summer
- \* Increase groundwater recharge
- \* Soften the urban environment

Pottstown also encourages the preservation of permeable surfaces to allow rainwater to seep into the earth. One way to accomplish this is to provide planting strips along our sidewalks when we reconstruct them or build new ones.

(Ord. 1964, 5/12/2003, §502)

### **§503. Shade Tree Requirements.**

Total number: The total number of trees required by this Chapter shall be determined by computing the number of trees needed for street frontage, parking lots, and open space, and adding the results. When the sum results in a fraction, the fraction shall be rounded up to the next higher whole number. Existing trees more than 3 inches in caliper may be counted toward the total.

Planting specifications: When planted, all trees must be at least 12 feet high, with a minimum caliper of 2 1/2 to 3 inches in diameter measured 6 inches above the ground. The trees shall be deciduous, symmetrical in shape, with a trunk that is clean and straight, without branches for a distance of 7 feet above the ground. All trees must be guaranteed for a minimum of 18 months and conform with the recent edition of the American Standard for Nursery Stock published by the American Association of Nurserymen.

Species: All trees required by this Chapter shall be canopy trees with an expected height of no less than 40 feet at maturity, of a species to be recommended by the Pottstown Shade Tree Commission. Recommended species include:

For parking lots:

London Plane (*Platanus x acerifolia*)

Sidewalks

Green Ash (*Fraxinus Pennsylvanica*)

Honey locust (*Gleditsia triacanthos*)

London Plane (*Platanus x acerifolia*)

Northern Red Oak (*Quercus borealis*)

Red Maple (*Acer rubrum*)

Scholar tree (*Sophora japonica*)

Sweetgum (*Liquidambar styraciflua*)

Tulip Poplar (*Liriodendron tulipifera*)

Zelkova (*Zelkova serrata*)

(Ord. 1964, 5/12/2003, §503)

**§504. Open Space Trees.**

In areas of any developed lot where there are no buildings, one shade tree shall be provided for every 2,500 square feet of total lot area. This shall be in addition to trees required for street frontage and parking lots.

(Ord. 1964, 5/12/2003, §504)

**§505. Street Trees.**

Shade trees shall be provided along all street frontages as follows:

<b>Street Frontage</b>	<b>Number of trees</b>
Less than 40 feet	1 tree minimum
40 to 59 feet	2 trees minimum
60 feet or more	At least 3 trees, with a minimum of 1 tree for every 30 feet with an average spacing of at least 1 tree for every 30 feet.

Wherever possible, there shall be a planting strip of 4 to 6 feet in width placed between the curb and sidewalk for street tree planting. If it is not possible to create such a planting strip, individual tree wells shall be created in the sidewalk from 4 to 5 feet wide and from 6 to 10 feet long. Both planting strips and tree wells shall contain grass or other vegetation, stone screening, or pavers with open joints so that rainwater can permeate the surface.

(Ord. 1964, 5/12/2003, §505)

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### **§506. Double Rows of Trees.**

Whenever there is sufficient open area on the inside of a sidewalk, the Borough encourages developers to place a second row of trees on the inside of the sidewalk, alternating with the first row of trees.

(Ord. 1964, 5/12/2003, §506)

### **§507. Parking Lot Shade Trees.**

Off-street parking areas that provide spaces for three or more vehicles shall be provided with shade trees.

(Ord. 1964, 5/12/2003, §507)

### **§508. Design and Quantity of Parking Lot Trees.**

Trees shall be uniformly distributed along the perimeter or parking areas and within the interior of parking areas in a quantity of not less than one tree for every two parking spaces.

Trees in the interior of the lot shall be planted in:

- Planting strips, perpendicular to parking spaces, a minimum of 4 feet wide, covered with grass, other vegetation, or other pervious material such as stone screenings.
- Planting islands, parallel to parking spaces, a minimum of 4 feet wide, covered with grass, other vegetation, or other impervious material such as stone screenings.
- In cases where it can be demonstrated that planting strips or islands are not feasible, planting diamonds, measuring 5 feet by 5 feet and placed in the center of four intersecting parking spaces, may be used as show. (See illustration on file at Borough Office).

Planting strips, islands and diamonds should preferably be concave to absorb runoff from the parking surface. Wheel stops, bollards or wooden frames are preferred to curbing for the protection of trees from cars. Curbing should be used sparingly, at the discretion of the Borough. The Borough requires the following parking lot designs:

(See illustrations on file at the Borough Office).

(Ord. 1964, 5/12/2003, §508)

**§509. Protection of Parking Lot Trees.**

Bollards of concrete-filled steel pipes (or equally sturdy material), wooden frames, or wheel stops are preferred to curbing for protecting trees.

(Ord. 1964, 5/12/2003, §509)

**§510. Screening.**

1. Just as individuals have goods and chattel that we put out of sight in closets and storage rooms, outdoor storage areas should also be removed as much as possible from public view. Therefore the following uses must be screened with a fence or wall:
  - A. Storage areas, including trash storage
  - B. Utility substations
  - C. Mechanical equipment
  - D. Loading areas and parking area adjacent to streets
2. Fences or walls shall be constructed of the following materials:
  - A. Brick
  - B. Stone
  - C. Wood
  - D. Concrete-based stucco
  - E. Wrought iron
  - F. Vinyl designed to look like wood
3. Fences shall be higher than the materials being screened, other than buildings. Fences shall have a minimum height of 4 feet. Although trees, shrubs and other landscaping are encouraged, they may not be used to substitute for fences.

(Ord. 1964, 5/12/2003, §510)

**§511. Buffering.**

1. To protect residential areas, buffering shall be provided where any non-residential use abuts a residential use or where the following districts abut any other district:

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- A. Heavy Manufacturing
  - B. Gateway
  - C. Business Campus
  - D. Highway Business
  - E. Office Industrial
2. Buffering shall consist of either:
- A. Fences between 4 feet and 5 feet in height and constructed of the following materials:
    1. Brick
    2. Stone
    3. Wood
    4. Concrete-based stucco
    5. Wrought iron
    6. Vinyl designed to look like wood
  - B. A landscaped strip at least 15 feet wide planted with deciduous and evergreen trees and shrubs. At the time of installation, shrubs will have a minimum height of 3 feet and an expected height at maturity of at least 6 feet. There should be sufficient planting so there are no unobstructed openings wider than 4 feet. At least 50 percent of the trees and 75 percent of the shrubs shall be evergreen species.

(Ord. 1964, 5/12/2003, §511)

### **§512. Lighting.**

1. Purpose. All exterior lighting shall be installed so as not to adversely affect motorists, pedestrians and adjacent properties. Lighting intensities should be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, motorists or the sky.
2. Types. Exterior lighting shall be integrated with the architectural character of the building. Downcast or cutoff type lighting fixtures shall be used to illuminate pedestrian or traffic circulation corridors and signage.

3. Details. For details, see Appendix Sections A512 through A516.

(As added by Ord. 1985, 10/12/2004, §1)



**Part 6**  
**Modifications**

**§600. Modifications to Requirements.**

1. Pottstown Borough Council may modify the requirements of one or more provisions of this Chapter if they will create an undue hardship on the applicant, using the standards set forth by the Pennsylvania Municipalities Planning Code.
2. All requests for a modification shall be in writing and shall be a part of the application for development. The request shall state in full:
  - A. the ground and facts of unreasonableness or hardship on which the request is based.
  - B. the provision or provisions of the ordinance involved.
  - C. the minimum modification necessary.
3. Borough Council may refer the request for modification to the Pottstown Planning Commission, to neighboring municipalities, to Borough departments, bureaus or agencies, or to any other competent body for review and report.
4. The Pottstown Planning Commission shall keep a written record of all action on all requests for modifications.

(Ord. 1964, 5/12/2003, §600)

**§601. Details.**

For details of these standards, see Appendix A6, Section A600, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



## Part 7

### Improvements

#### **§700. Completion of Improvements.**

1. No plat shall receive final approval until all the streets, sidewalks, street trees, and other improvements as required by the Borough and shown on the plat have been completed. In lieu of the completion of the improvements, the developer may deposit with the Borough financial security in an amount sufficient to cover the costs of the improvements plus 110% of the cost of the improvements.
2. The developer will submit an estimate of the cost of improvements which will be reviewed by the Borough Engineer. If the developer needs more than a year to complete the improvements, the Borough may require more financial security.
3. In some cases, when requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed or recorded until the financial improvements agreement and the development agreement are executed.
4. As the work of installing the improvements proceeds, the developer may request funds to be released by the Borough to pay for completed work.

(Ord. 1964, 5/12/2003, §700)

#### **§701. Details.**

For the details of these procedures, see Appendix A7, Sections A700 through A703, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



**Part 8**  
**Mobile Home Parks**

**§800. Mobile Home Parks.**

Mobile home parks are regulated by this Chapter.

(Ord. 1964, 5/12/2003, §800)

**§801. Details.**

For specific standards, see Appendix, A8, Sections A800 and A801, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



**Part 9**

**Preventing Violations and Enforcing This Chapter**

**§900. Preventing Violations and Enforcing this Chapter.**

1. The Borough of Pottstown will take any and all actions necessary to ensure this Chapter is enforced, including but not limited to:
  - A. Restraining and correcting violations
  - B. Recovering damages
  - C. Preventing illegal occupancy of a building or premises
  - D. Refusing to issue permits
  - E. Seeking fines against violators in accordance with state law

(Ord. 1964, 5/12/2003, §900)

**§901. Details.**

For details about the Borough jurisdiction and enforcement powers, see Appendix A9, Sections A900 through A902, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



**Part 10**

**Amending, Publishing, and Advertising this Chapter**

**§1000. Amending, Publishing, and Advertising this Chapter.**

This Chapter shall be amended by a vote of Borough Council only after a public hearing with public notice given according to the provisions of the Pennsylvania Municipalities Planning Code.

(Ord. 1964, 5/12/2003, §1000)

**§1001. Details.**

For details, see Appendix A10, Sections A1000 and A1001, located at the end of this Chapter.

(Ord. 1964, 5/12/2003)



**Part 11**

**Conflicts Between Main Chapter and Appendix**

**§1100. Conflict Between Main Chapter and Appendix.**

In the case of any conflict between the main provisions of this Chapter and the Appendix, the stricter sections shall control.

(Ord. 1964, 5/12/2003, §1100)



## Part 12

### Definitions

#### §1200. Definitions.

ACCESSORY – both subordinate and incidental to a principal use or structure.

ADULT ENTERTAINMENT – live or nonlive entertainment containing sexual activities or displaying or presenting specified anatomical areas. This definition is a broad overall definition which includes the activities of adult arcades/cabarets/dance halls/private clubs/bars/gentlemen's bars/taverns/adult bookstores, adult video stores, adult minimotion picture theaters and peep shows, adult motels and sexual encounter centers as part of its definition for adult entertainment.

NUDITY – the appearance of the specified anatomical area without any covering on the body area.

SEMINUDITY – state of dress in which clothing partially or transparently covers the specified anatomical areas.

SPECIFIED ANATOMICAL AREAS – human genitals, pubic region, anus, buttocks, female breasts below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – activities which include any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulations or bestiality.
3. Folding or other erotic touching of specified anatomical areas.

ADULT ENTERTAINMENT USE – include any of the following, as defined below:

1. ADULT BOOKSTORE – any commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides or other visual representations which depict or describe specific sexual activities or specified anatomical areas.

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- B. Instruments devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult book store or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified material which depict or describe specified sexual activities or specified anatomical areas.

AIRPORT DISTRICT DEFINITIONS – see pages 22-A15 through 22-A17.<sup>1</sup>

AIRPORT USE – the operation of an airport including facilities for takeoff and landing aircraft together with accessory uses including dining facilities, hangars, terminals, and other buildings and facilities associated normally with air travel.

ALLEY – a public right-of-way, other than a street, ordained and accepted by the Borough Council for both pedestrian and vehicular access.

ALTERATION – as applied to a building or structure, means a change rearrangement in the structural parts or in the existing facilities, or enlargement whether by extension of a side or by increasing in height or moving from one location or position to another.

ANTENNA HEIGHT – the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE – any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving or radio frequency energy.

APPLICANT – a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT – every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AUTHORITY – a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authorities Act of 1945.

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<sup>1</sup> Editor's Note: Airport District definitions are found in Appendix A3, Section A342, of Chapter 27, Zoning.

**AUTHORITY REPAIR STATION** – a place where the following services may be carried out: general repair engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body frame or fender straightening or repair, painting or undercoating of automobiles. The definition does not include the display of motor vehicles for sale.

**AUTOMOBILE SERVICE STATION** – a place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobile), are retailed directly to the public on premises, including sale of minor accessories and service for automobiles. An automobile service station may include a convenience store not to exceed 3,000 square feet. The definition does not include the display of motor vehicles for sale.

**BABYSITTING** – the temporary or occasional care of any number of children not related to the care giver which takes place at the home of the care giver, the temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence or the regular care of one, two, or three children not related to the care giver which takes place at the home of the care giver.

**BANK or FINANCIAL INSTITUTION** – an institution for lending borrowing, exchanging, issuing and safeguarding money: an office or building used for such purposes.

**BASE FLOOD ELEVATION** – the one-hundred-year flood elevation.

**BLOCK** – an area bounded by streets and alleys.

**BOARD** – the Zoning Hearing Board of Pottstown.

**BOAT** – any device used, or designed to be used, for flotation, but no including any such device that can be lifted and transported by two able-bodied adults without the use of mechanical means.

**BOROUGH** – Borough of Pottstown, Montgomery County, Pennsylvania.

**BOROUGH COUNCIL** – the governing body of Pottstown. It includes the term "Town Council."

**BOROUGH ENGINEER** – a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by Council as the engineer for the Borough, the Borough Planning Commission, or any other agency of the Borough. This shall include, also, engineers, so licensed, appointed by Council as consultants to exercise the powers and duties of the Borough Engineer in the furtherance of the provisions of this Chapter.

**BUILDING** – any structure having a roof or other covering and designed or used for shelter or enclosure of any person, animal or property of any kind.

**BUILDING TYPES** –

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**ATTACHED BUILDING** – one of three or more buildings divided by party or partition walls; includes end-of-row buildings.

**DETACHED BUILDING** – a building that has no party walls.

**SEMIDETACHED BUILDING** – a building that has only one party wall, but not an end-of-row building.

**BUSINESS** – any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. It means, further, the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional services, excluding any direct retail store use and/or direct service store use.

**CARPORT** – a shelter for one or more vehicles that is not enclosed fully by walls and one or more doors.

**CARTWAY** – that portion of a right-of-way set aside for vehicular traffic.

**CAR WASH** – a lot on which motor vehicles are washed or waxed, either by the patrons or by others, using machinery specially designed for the purpose.

**CELL SITE** – a tract or parcel of land that contains the cellular communications antenna, its support structure, accessory building(s) and parking, and may include other uses associated with and ancillary to cellular communications transmission.

**CEMETERY** – an area of no less than one acre for the burial of the dead.

**CHILD CARE FACILITY** – any dwelling, building or portion thereof which child day care services are provided, including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications:

1. **FAMILY DAY CARE HOME** – any premises or dwelling unit other than the child's own home where the child care areas are being as a family residence, operated for profit or not for profit, in which child day care is provided at any one time or a regular basis for four, five or six children, who are not relatives of the caregiver. Day service for children in this type of facility is different from "babysitting."
2. **GROUP DAY CARE HOME** – a facility in which care is provided for more than six, but less than 12 children, at any one time, where the child care areas are being used as a family residence.
3. **DAY CARE CENTER** – a facility which is licensed to provide care for seven or more children, at any one time, where the child care areas are not being used as a family residence.

**CHURCH** – a building wherein persons assemble regularly for religious worship and that is used only for such purposes and for those accessory activities as are customarily associated therewith.

**COMMISSION or PLANNING COMMISSION** – the Borough of Pottstown Planning Commission, unless context indicates clearly otherwise.

**COMMON OPEN SPACE** – a parcel of land or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for use or enjoyment by residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMMONWEALTH** – the Commonwealth of Pennsylvania.

**COMPATIBLE** – when used to describe the relationship among buildings in a Conservation District, compatible means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include, but are not limited to:

1. Constructed of the same original materials, such as wood, brick, or stucco, as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
2. Contain structural details that are similar to other buildings on the block, such as:

Decorative shingles

Cornices and fascia

Lintels over windows and doors

Shape, size, and placement of windows

Thickness and placement of mullion in the sash of windows

Shape and placement of porches and columns

**CONVENIENCE STORE** – a retail store selling a variety of food, beverages, drugs, reading material or household supplies, and having a floor area not exceeding 3,000 square feet.

**COOKING FACILITIES** – an operable gas or electric line for a stove, storage space for foodstuffs and related material, and an operating sink (having a bowl no smaller than 300 square inches in area and one foot in depth) and drainboard.

**COUNCIL** – the Borough Council of Pottstown.

## SUBDIVISION AND LAND DEVELOPMENT

COUNTY – the County of Montgomery.

CROSSWALK – a right-of-way for pedestrian travel across or within a block.

CUL-DE-SAC – a street intersecting another street at one end and terminating at the other end in a paved vehicular turnaround.

DECISION – a final adjudication by Borough Council or the Pottstown Zoning Hearing Board. Appeals from decisions go directly to the Court of Common Pleas.

DETERMINATION – a final administrative decision such as the grant or denial of a permit by the Zoning Officer or Engineer of the Borough with respect to the administration of any land use ordinance. Determinations are appealable to Borough Council or the Pottstown Zoning Hearing Board, as the case may be.

DEVELOPER – any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN – the provisions for development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase "the provisions of the development plan" when used in this Chapter shall mean the written and graphic materials referred to in this Chapter.

DIRECT RETAIL STORE – any store or shop in which commodities are sold directly to the consuming public.

DIRECT SERVICE STORE – any establishment primarily engaged in selling services, as opposed to products, to the general public or businesses. Direct service stores include tailors, dressmakers, dry cleaners, barbers, beauty salons, copy centers, photography studios and shops for the repair of clothing, shoes or household items.

DRAINAGE – the flow of water or liquid waste and the methods of directing such flow, whether natural or artificial.

DRIVE-THROUGH SERVICE WINDOW – a customer service window located in a principal structure as an accessory to an office or retail establishment that is intended to enable customers to transact business with an employee inside the building without leaving their motor vehicles. It is presumed the motor vehicle will exit the premises immediately after the transaction of business.

DWELLING – a unit of one or more rooms with cooking and sanitary facilities provided for the living purposes of one family.

DWELLING TYPES –

**APARTMENT/CONDOMINIUM** – a suite of rooms in a building containing at least two other such dwellings, each intended to be used as an independent housekeeping unit for one family, with separate cooking, food storage, bathing, and toilet facilities and with access directly or by common hallway and/or stairs to the outside. No apartment or condominium shall be less than 800 feet.

**BOARDING HOME** – a building for residential occupancy within which are provided shelter and meals to more than two, but fewer than seven, persons for compensation by prearrangement for definite periods and in which on provision is made for cooking in any room other than a common kitchen. Does not include group homes.

**CONVALESCENT HOME** – a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or group home.

**GROUP HOME** – a place for residential occupancy by fewer than seven individuals (including live-in counselors) who are given social, physical, or mental support and/or training by an organization so licensed or chartered, the board the majority of which shall be residents of Montgomery County.

**HOTEL/MOTEL** – a structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or convalescent, boarding, group, or rooming houses or homes.

**MOBILE HOME** – any mobile vehicle, used for residential occupancy or for any other use, designed for transportation, after fabrication, on streets on its own wheels or supported by other vehicles or trailers but that not self-propelled, and arriving at the site where it is to be occupied after incidental unpacking and assembly operation, supported on jacks or other foundations and connected to utilities and the like.

**ROOM** – a space for residential occupancy that does not include complete cooking and toilet facilities.

**ROOMING HOUSE** – a dwelling where bedrooms or sleeping accommodations are let to more than two (2) individuals, used principally as a place of rest and sleep and for toilet and dressing and not for the preparation or provision of meals.

**SINGLE-FAMILY DWELLING** – a structure, except a mobile home, designed or used for residential occupancy by one family.

1. **ATTACHED SINGLE-FAMILY DWELLING** – a dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one, but not more than three, adjacent similar dwelling units and located in a building comprised of at least three dwelling units. Each dwell-

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ing unit may be individually lotted or owned as a condominium. This dwelling shall include, but not be limited to, dwelling units commonly known as town houses, row houses, triplexes, quadruplexes and multi-plexes.

2. **DETACHED SINGLE-FAMILY DWELLING** – a dwelling designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling unit.
3. **SEMIDETACHED SINGLE-FAMILY DWELLING** – a residential building containing two dwelling units and which is not attached to any other building.
4. **TOURIST HOME/BED AND BREAKFAST** – a building for residential occupancy for the traveling public within which are provided shelter and meals to more than two, but fewer than seven, persons for compensation, not necessarily by prearrangement, for short indefinite periods, and in which no provision is made for cooking in any room other than a common kitchen. A "Bed and Breakfast" motel is another name for a tourist home.
5. **TWO-FAMILY DWELLING** – a structure designed or used for residential occupancy by two families.

**EASEMENT** – a right granted for the use of private land for certain public or quasi-public purposes; also, the land to which such a right pertains.

**ENGINEER** – a professional engineer licensed as such in the Commonwealth of Pennsylvania.

**FAMILY** – one person, or a group of two or more persons living together and interrelated by blood, marriage, or legal adoption or guardianship, or a group of not more than four persons who need not be so related, occupying a dwelling unit as a separate house-keeping unit in a manner characteristic of a biological nuclear or extended family.

**FENCE or WALL** – a structure that permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

**FIREHOUSE** – a building housing firefighting vehicles and equipment. A firehouse may contain sleeping, cooking, and toilet facilities for on-duty firefighters and may contain social quarters for firefighters and their guests.

**FLOOD DISTRICT DEFINITIONS** – see pages 22-A11 through 22-A15.<sup>2</sup>

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<sup>2</sup>Editor's Note: Flood District definitions are found in Appendix A3, Section A339, of Chapter 27, Zoning.

**FLOODPROOFING** – any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, that reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**FLOOR AREA** – total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

**FLOOR AREA RATIO** – the building area divided by the lot size. (For example, a building with a total floor area of 40,000 square feet on a 100,000 square foot lot has a floor area ratio of .4 or 40%).

**FOOD PROCESSING PLANT** – manufacturing plant designed to process food products for sale, excluding the slaughtering of animals, and which processing may include the cooking, baking, and packaging of such products.

**FRONT YARD** – the area between the front lot line (a line dividing a lot from any public street) and the setback required therefrom, with the exception of corner lots used for residential purposes.

**GARAGE, PRIVATE** – an accessory building or part of a principal building used for the storage of motor vehicles or equipment, or as an artist's studio or a workshop, all materials to be owned and used exclusively by the owner or tenant of the premises. No business connected directly or indirectly with motor vehicles is permitted.

**GOLF COURSE** – a grassy area of no less than 15 acres laid out for the game of golf with a series of nine or 18 holes each including a tee, fairway, and putting green.

**GREENHOUSE** – an enclosure made predominately of clear glass used for the cultivation or protection of plants.

**HEALTH AND FITNESS CENTER** – a building, or part thereof, providing facilities and programs designed to improve the physical well being of the patrons thereof. Such facilities include, not by way of limitation, spas, tennis or racquet clubs, swimming pools, basketball courts, gymnastic and calisthenics facilities, and weight-training facilities.

**HEAVY MANUFACTURING** – the production or processing of materials by the employment of large machines, cranes, furnaces, presses, and the like. Such activity is likely to produce noise, odors, or other emissions detectable by a person having normal senses, when experienced from off the premises.

**HEIGHT** – the vertical distance from the highest point on a structure (or plant) excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structure elements intersect the ground.

**HISTORIC NEIGHBORHOOD** – an area judged by the Pennsylvania Bureau for Historic Preservation as eligible for the National Register of Historic Places.

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**HOME OCCUPATION** – any activity, occupation or use which is professional in nature and clearly customary, incidental and accessory to the use of the premises as a dwelling unit, which does not alter the exterior of the property or affect the residential character of the neighborhood. The operation of a clinic, hospital, restaurant, motel, hotel, animal hospital, mortuary or any similar use shall not be deemed a home occupation.

**INSTITUTIONAL/CIVIC USE** – a nonprofit, religious or public use, such as a church, library, museum, public or private school (as defined by this Chapter), hospital, or government-owned or operated building, structure, or land used for a public purpose.

**JUNKYARD** – an area of land, with or without buildings, used for storage outside a completely enclosed building of used and discarded materials, including but not limited to wastepaper, rages, metal, building materials, house furnishings, machinery or vehicles or vehicle parts, with or without the dismantling, processing, salvage, sale or other use or disposition of the materials. The deposit or storage of two or more unlicensed, wrecked, or disabled vehicles or the major parts of vehicles is considered a junkyard.

**KENNEL** – an establishment for the breeding and boarding of pets.

**LAND DEVELOPMENT** – any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
  2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

**LANDOWNER** – the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LAND USE ORDINANCE** – any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

**LAUNDROMAT** – a place where patrons wash, dry, or dryclean clothing and other fabrics in machines operated by the patrons.

**LIGHT MANUFACTURING** – the production or processing of materials by the employment of small machines, soldering irons, stamping machines, kilns, aluminum bending devices, and the like. Such activity is not likely to produce noises, odors, or other emis-

sions detectable by a person having normal senses, when experienced from off the premises.

**LOADING SPACE** – an off-street space available for the loading or unloading of goods and having direct access to a street or alley.

**LOT** – a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**LOT AREA** – the area of land within the boundary of a lot, excluding any part under water, excluding easements, and excluding the area of land bounded by any front lot lines, the centerline of the street on which it fronts and the side lot lines intersecting the front lot line at its ends extended to the centerline of the street.

**LOT LINE** – a line marking a boundary of a lot.

**MEDIUM MANUFACTURING** – the production or processing of materials by the employment of large machines, cranes, presses and the like. Such activity is likely to produce a moderate amount of noise, odors or other emissions detectable by a person having normal senses, when experienced from off the premises.

**MOBILE HOME** – transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit, capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME PARK** – a parcel or contiguous parcels of land that has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MUNICIPAL AUTHORITY** – a body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

**NEIGHBORHOOD AUTOMOBILE SERVICE STATION** – a place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobile), are retailed directly to the public on the premises, including sale of minor accessories and service for automobiles. Accessory uses are limited to lubrication, changing oil and filters, changing and repairing tires and tubes, engine tune ups, hand washing and polishing without automatic equipment, and replacing of light bulbs, windshield wiper blades and other small parts. They do not include steam cleaning, body repairs, painting, or transmission, chassis, or engine repairs.

**NONCONFORMING STRUCTURE** – a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully ex-

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ited prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – a use, whether of land or of structure, that does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONPROFIT RECREATIONAL USE** – a playground, gymnasium, natatorium, park, or similar use made available to the public by a government agency or by a private organization enjoying tax-exempt status by the Internal Revenue Service.

### OFFICE –

1. **BUSINESS OFFICE** – a building or portion of a building where the sale of non-tangible goods or real estate is sold to the general public. Business offices include real estate, insurance, securities and travel offices.
2. **GENERAL OFFICE** – a building or portion of a building where administrative or clerical services are conducted or where duties not involving the sale of services are performed. General offices include administrative offices for industry, employment offices and other similar offices, not including municipal or governmental offices or client-based social service providers.
3. **CLIENT-BASED SOCIAL SERVICE PROVIDER** – a type of general office consisting of a facility that provides on-site assistance to person with limited ability for self-care. This term includes a facility that provides assistance for psychological, psychiatric, and/or medical problems, employment, welfare and other similar forms of assistance.
4. **PROFESSIONAL OFFICE** – a building or portion of a building where a member of a recognized profession sells services to the general public. Professional offices include doctor, lawyer, engineer, accountant offices and other similar offices.
5. **MUNICIPAL OR GOVERNMENT OFFICE** – a building or portion of a building occupied by a governmental entity which shall include offices for the Borough, the County, the State and/or for the Federal government, excluding client-based social service providers.

**ONE-HUNDRED-YEAR FLOOD** – a flood that has one chance in 100 years or a one percent chance of being equaled or exceeded in any year. For the purpose of this Chapter, the one-hundred-year flood (base flood) as defined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, in Flood Insurance Study, Borough of Pottstown, Montgomery County, Pennsylvania; also, the "regulatory flood." And other areas where storm runoff calculations indicate the presence of a one-hundred-year flood.

**OPEN SPACE** – that portion of a lot that is natural or landscaped and free of any structures and impervious surfaces: it is expressed as a percentage of the lot.

**OUTDOOR AUCTION/FLEA MARKET** – a lot where merchandise and goods are auctioned to the public outdoors or goods are sold to the public outdoors simultaneously by more than one individual or corporation.

**OVERLAY** – a district which encompasses a number of smaller districts and adds specific conditions and regulations to those smaller districts.

The Conservation District adds conditions and regulations to the following districts:

Neighborhood Residential

Traditional Town

Downtown

The Gateway District adds conditions and regulations to the following districts:

Neighborhood Business

Downtown Gateway

Gateway East and Gateway West

Park

**OWNER** – an individual, firm, association, syndicate, copartnership, or corporation having sufficient proprietary interest in the land sought to be subdivided or developed under this Chapter.

**PARK** – land owned by the Borough of Pottstown or another unit of government, or a non-profit organization, which is used or intended for active or passive recreation. Unless owned by the Borough or the Pottstown School District, this definition shall not be construed to include concert halls or outdoor concert areas, race tracks of any kind, stadiums or similar facilities which may attract large crowds.

**PARKING GARAGE** – a building used for the storage of motor vehicles.

**PARKING LOT** – an open space other than a public or private street used for the parking of automobiles.

**PARKING SPACE** – an off-street space available for the parking of a motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto.

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PERMIT or ZONING PERMIT – a certificate issued by the Zoning Administrator stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which the use is located or is to be located. When the word permit occurs alone, it shall be taken to mean a zoning permit unless context dictates clearly otherwise.

PERSON – an individual, co-partner, or corporation or having the legal standing of any.

PLANNING COMMISSION – the Pottstown Planning Commission unless specified otherwise.

PLAT – the map or plan of a subdivision or land development, whether preliminary or final.

PRESCHOOL AND DAY CARE FACILITIES – a Commonwealth-licensed institution for the care of children of prekindergarten age.

PROFESSION – a calling requiring specialized knowledge and long and intensive academic preparation. Profession or professional shall include doctors, dentists, lawyers; engineers, architects, and the like, but shall not include real estate brokers, insurance agents, securities dealers, beauticians, and the like.

PUBLIC – a municipality or a municipal authority, unless clearly the context dictates otherwise.

PUBLIC GROUNDS – includes:

1. Parks, playgrounds, trails, paths, and other recreational areas and public areas.
2. Sites for schools, sewage disposal, and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING – a formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

PUBLIC MEETING – a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388 No. 84), known as the "Sunshine Act."

PUBLIC NOTICE – notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be fewer than seven days from the date of the hearing, unless specified other-

wise elsewhere in this Chapter, except that in the case of amendments to the Airport Districts notice shall not be fewer than 14 days from the date of said hearing.

**PUBLIC STREET** – see Street, page 462.

**REAR LOT LINE** – any lot that is not a front or side lot line and that, if extended in either direction, would not cross the lot.

**RECREATIONAL VEHICLE** – a motor vehicle, or an enclosure designed to be attached to a motor vehicle for transportation over public roads, used or designed to be used for sleeping, or for cooking or other housekeeping activities, when such motor vehicle or enclosure exceeds 18 feet in length and five feet in height.

**RENEWABLE ENERGY SOURCE** – any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**RENTAL STORAGE, SMALL-SCALE INTERIOR** – one or more storage units for lease within a single building that are accessed exclusively through a pedestrian doorway.

**REPORT** – any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESEARCH AND DEVELOPMENT LABORATORY** – an establishment engaged in investigation in the natural, physical, or social sciences, but which may include engineering and product development.

**RESIDENCE** – a place for residential occupancy.

**RESIDENTIAL OCCUPANCY** – those activities conducted in living quarters in an urban setting and excludes such activities as the keeping of livestock or fowl, activities resulting in noise that constitutes a nuisance in a residential area, and activities that involve the storage of motor vehicle parts, machinery or parts, junk, or scrap metals.

**RESTAURANT** – a lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments known commonly as bars, taverns, grills, cafes, and night clubs.

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**RESTAURANT, FAST-FOOD** – a building or part of a building used to furnish food and beverages to the public where customers place their orders at an inside service counter and where food is served for consumption either at eating areas within the building or taken out for consumption away from the premises.

**RESTAURANT, FAST-FOOD WITH DRIVE-THROUGH SERVICE** – a fast-food restaurant which is designed for the serving and pick-up of food and beverages without leaving a motor vehicle, for off-premises consumption.

**RESTAURANT, NONALCOHOLIC** – a lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, but does not serve any alcoholic beverages.

**RIGHT-OF-WAY** – land set aside for public use or ownership as a street, crosswalk, drainage way, utility course, or other similar facility.

**SCALE** – the size, or apparent size, of a building in relationship to the size of a human being. (Photos for this definition on file at Borough Office).

**SCHOOL** – a public or private educational facility having grades K through 12 (or any consecutive combination thereof), and meeting Commonwealth requirements, or providing undergraduate, graduate, or post-graduate education, and being accredited. See separate definition for trade schools.

**SCREENING** – materials used to form a visual or partially-acoustical barrier.

**SETBACK** – the required distance between every structure and any lot line on the lot on which it is located.

**SIDE LOT LINE** – any lot line that meets the end of a front lot line or other lot line within 30 degrees of being parallel to such a line, except a front lot line.

**SIDE YARD** – the distance between the side lot line and the side building line, extending from the established front setback to the established rear yard.

**SIGHT DISTANCE** – the length of street, measured along the centerline, that is visible continuously from a point six inches above the pavement and along the centerline of the street.

**SIGN** – see Sign Definitions, pages 22-Axx through 22-Axx.<sup>3</sup>

**SITE PLAN** – a plan accompanying, and being made part of, an application for a zoning permit, variance, or special exception.

**SOCIAL CLUB** – a place where gathers a communion of people joined by religion, ethnicity, politics, employment, activity, or other interest, formed for the preservation and

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<sup>3</sup> Editor's Note: The sign definitions are found in Section 702 of Chapter 27, Zoning.

advancement of a lawful interest, and enjoying tax-exempt status granted by the Internal Revenue Service. A social club may contain eating and drinking facilities.

**SOLID WASTE FACILITY** – a site and complex of buildings and structures designed to accommodate the temporary storage, transfer, processing, reduction, recycling and/or conversion to energy of trash, garbage and other solid wastes; however, this definition shall not apply to individual solid waste structures of less than 2,000 cubic feet (outside measurement).

**SOLID WASTE MECHANICAL PROCESSING UNIT** – a solid waste storage unit that uses mechanical means to compact, reduce, or otherwise process solid waste.

**SOLID WASTE STORAGE UNIT** – a structure of less than 2,000 cubic feet (outside measurement) designed to accommodate the temporary storage of solid waste. Any such structure located within a building or other completely-enclosed structure shall not be included in this definition or governed by regulations applying thereto. Individual waste containers, alone or in combination, comprising less than 165 gallons of capacity shall be considered accessory uses and shall not be included in this definition.

**SPECIAL EXCEPTION** – a use permitted in a particular zoning district pursuant to the provisions of the Pottstown Zoning Ordinance [Chapter 27].

**STORAGE SHED** – an accessory building with four sides and a roof, not exceeding 100 square feet or eight feet in height, for storage of lawn, garden and swimming pool equipment or similar domestic items.

**STREET** – includes street, avenue, boulevard, road, highway, freeway, parkway, and lane, whether public or private, used or intended to be used by vehicular traffic or pedestrians. Streets are further classified by function in Section A5 of this Chapter.

**STREET LINE** – a line determining the limit of pedestrian or vehicular rights, either existing or contemplated, of the public.

**STRUCTURE** – any constructed, erected, or placed material or combination of materials (either temporary or permanent) in or upon the ground or water, including, but not by way of limitation, buildings, mobile homes, radio towers, sheds, signs, storage bins, tents, and pools. (See Airport Zoning for special definitions as regard to living plants.) Not all structures are buildings.

**SUBDIVISION** – the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, this subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

## SUBDIVISION AND LAND DEVELOPMENT

**SUBDIVISION ORDINANCE** – the Pottstown Subdivision and Land Development Ordinance.

**SUBSTANTIALLY COMPLETED** – in the judgment of the Borough Engineer, at least 90% (Based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this or any other land-use ordinance of the Borough) of those improvements required as a condition for final approval have been completed in accordance with the approval plan, so that the project will be able to be used, occupied, or operated for its intended use.

**SWIMMING POOL** – any permanent pool not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point of one and a half feet.

**TOILET FACILITY** – operating water closet, sink, and shower or bathtub.

**TRADE SCHOOL** – vocational school, karate schools, music schools or studios (including, but not limited to, schools or studios providing voice and/or instrument instruction), dance schools or studios, art schools or studios, and other similar institutions.

**UTILITY COMPANY** – an entity organized for the transmission and exchange of telephone, television, radio telephone, gas, power, sewage, water, and similar activities, and governed by the Pennsylvania Public Utility Commission.

**UTILITY COMPANY OPERATIONAL FACILITY** – a utility company building or structure and its equipment used for the transmission and exchange of telephone, television, radio telephone, gas, power, sewage, and water facilities, provided, however, these shall not include offices, business facilities, storage of materials or equipment, trucks, repair facilities, or the housing of employees or any other person.

**VARIANCE** – relief granted pursuant to the Pottstown Zoning Ordinance [Chapter 27].

**VETERINARY OFFICE AND KENNEL** – an establishment providing medical care, treatment, grooming, or boarding services for animals.

**WAREHOUSE** – a building used primarily for the storage of goods and materials, not involving ordinary on-site storage connected with retail activities.

**YARD** – the area between any lot line and the setback required therefrom.

**ZONING ADMINISTRATOR** – the Zoning Administrator of the Borough of Pottstown; the person authorized pursuant the Pennsylvania Municipalities Code to enforce this Chapter.

(Ord. 1964, 5/12/2003, §1200; as amended by Ord. 1985, 10/12/2004, §4; and by Ord. 2042, 8/13/2007)