

CHAPTER 27

ZONING

Editor's Note: All pictures that were included in the original Ordinance 1968 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

SECTION 100. Short Title.

This Chapter shall be known as the "Zoning Ordinance of the Borough of Pottstown."

(Ord. 1968, 9/8/2003, §100)

SECTION 101. Purpose.

1. This Chapter regulates the use of land and the construction and renovation of buildings in Pottstown in order to:
 - A. Preserve and enhance Pottstown's traditional town character, protect its historic resources, and revitalize its older areas.
 - B. Promote the general welfare by increasing the amenities of the borough and lowering the cost of living in Pottstown through good urban design.
 - C. Carry out the Community Development Objectives listed in the Preface and Community Objectives, which are attached to this Chapter and marked as Exhibit A.
 - D. Carry out the purpose and scope of Section 105 of the Pennsylvania Municipalities Planning Code, which authorizes the promotion and preservation of Commonwealth historic resources.

(Ord. 1968, 9/8/2003, §100)

SECTION 102. Details.

For further information about this Part, see Zoning Appendix A1, Sections A100 through A104, located at the end of this Chapter.

(Ord. 1968, 9/8/2003)

Part 2
Applications

SECTION 200. Permits Required.

1. A zoning permit is required to:
 - A. Build or install any structure, including signs, fences and storage buildings.
 - B. Change the existing use of any land or building.
 - C. In the Conservation and Gateway Districts, to alter the exterior of any building.

(Ord. 1968, 9/8/2003, §200; as amended by Ord. 1985, 10/12/2004, §3)

SECTION 201. Applications.

1. Applications for zoning permits should be made to the Zoning Officer in the Pottstown Codes Department. Applications must be signed by the property owner, lessee, or authorized agent.
2. In the case of new structures or additions, the applicant must submit a plan, also known as a plat, for the Borough's review and approval. The plat must conform to the specifications in the Pottstown Subdivision and Land Development Ordinance [Chapter 22], Section 400.
3. In the case of signs, see Part 7.
4. For proposals to change the existing use of any land or building, the applicant shall fill out a form provided by the Zoning Officer.

(Ord. 1968, 9/8/2003, §201)

SECTION 202. Applications in Conservation and Gateway Districts.

1. In addition to the information required in Section 201, applicants in the Conservation and Gateway Districts shall submit the following information:
 - A. For new buildings:
 1. A scale drawing, known as an elevation, showing the facade of the proposed building facing the street.

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2. A description of the materials comprising the facade of the proposed building.
- B. For additions or alterations to existing buildings:
1. No less than one photograph of the facade of the building facing the street.
 2. A sketch of the proposed changes to the facade or addition to the building.
 3. A written description of the proposed changes to the facade or addition to be constructed, including the materials to be used.
- C. For fences and sheds:
1. A photograph or sketch showing the appearance of the proposed fence or shed from the street.
 2. A scale drawing showing the location of the fence or shed on the property.

(Ord. 1968, 9/8/2003, §202)

SECTION 203. Permits.

1. No building shall be occupied or used until a Certificate of Occupancy is issued by the Zoning Officer. Certificates will only be issued after the Zoning Officer determines the building is sound and meets the provisions of this Chapter.
2. Permits will be valid for six months after they are issued, although the Zoning Officer may grant extensions of up to 90 days each. The permit will expire if the authorized work is suspended or abandoned for a period of six months after it begins.
3. The Zoning Officer may revoke a zoning permit in the case of any false statement or misrepresentation in either the application or the plans on which the zoning permit is based. If a zoning permit is revoked, any other permits issued on the strength of the zoning permit shall automatically become invalid.

(Ord. 1968, 9/8/2003, §203)

SECTION 204. Details.

For further information about this Part, see Zoning Appendix A2, Sections A200 and A200.1, located at the end of this Chapter.

(Ord. 1968, 9/8/2003)

Part 3

Districts

SECTION 300. Establishment of Districts.

Pottstown is divided into zoning districts listed in the chart below. Zoning districts of Pottstown neighborhoods that were mostly built more than 50 years ago are grouped together in a Conservation District overlay. Commercial areas adjacent to historic neighborhoods, and entryways to Pottstown's historic areas, are grouped together in a Gateway District overlay. Special rules also apply to areas in a floodplain and for Pottstown's Airport District.

Conservation	NR	Neighborhood Residential
	TTN	Traditional Town Neighborhood
	D	Downtown
Gateway	NB	Neighborhood Business
	DG	Downtown Gateway
	GE	Gateway East
	GW	Gateway West
	P	Park
Contemporary	FO	Flex-Office
	HB	Highway Business
	HM	Heavy Manufacturing
Special Overlay		Floodplain
		Airport

(Ord. 1968, 9/8/2003, §300)

SECTION 301. Zoning Map.

An official map is on file in the office of Pottstown's Zoning Officer in Borough Hall. This map is a part of this chapter and shall be known as the Pottstown Borough Zoning Map. Where there is any uncertainty, contradiction, or conflict as to the location of any zoning district boundary, the Zoning Officer shall make an interpretation.

DETAILS. For details about the Pottstown Borough Zoning Map, see Zoning Appendix A3, Section A300 through A301.1, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §301)

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SECTION 302. Conservation District – Intent.

Pottstown is nearly fully built out. Less than five percent of Pottstown's land area is vacant and suitable for building. Therefore, most future development in Pottstown will involve the renovation and alteration of existing buildings and the construction of new buildings interspersed with existing development.

Changes in the appearance of existing buildings and new construction interspersed with existing historic buildings have a powerful impact on the established character and the social and economic well-being of the residents and property owners of Pottstown.

One of Pottstown's greatest assets is its heritage. Its oldest neighborhoods were built more than 100 years ago, and its downtown took its current form in the late 19th century. Nearly all of Pottstown's residential areas are at least 50 years old.

Through participation in numerous plans and studies, the people of Pottstown have said they want to preserve and enhance the traditional character of Pottstown. They like its rich architecture and its neighborhood feel, with sidewalks, street trees, and mixture of houses, offices and stores within walking distance of each other.

Moreover, numerous studies have recommended that Pottstown's future lies in building on its heritage. For example, a study by the Urban Land Institute noted:

"For its size, Pottstown contains some of the oldest, most architecturally significant, charming housing stock in the Northeast. Some of this stock is very well maintained. Preserving it is not only vital to Pottstown's long-term future, but could very well serve as a major tool for marketing the community."

Pottstown has two Historic Districts, in the downtown area and along High Street, certified by the Pennsylvania Bureau for Historic Preservation. In 2002, after officials visited Pottstown and reviewed documentation provided by the Borough, the Bureau for Historic Preservation declared the vast majority of Pottstown's traditional neighborhoods, many of which are outside Pottstown's Historic Districts, as eligible for listing on the National Register of Historic Places.

The traditional neighborhoods outside the Historic Districts, and similar adjacent neighborhoods, are hereby incorporated into a Conservation District with the following purposes:

- Preserve the architectural integrity of traditional areas
- Ensure new buildings are compatible with existing traditional areas
- Find viable uses for old buildings that are no longer suitable for their original use

1. It is the intent of the Conservation District to incorporate and utilize the requirements and provisions of Sections 603, 604, and 605 of the Pennsylvania Municipalities Planning Code to create such Zoning Ordinance provisions that will:
 - A. Promote, protect, and preserve areas of historic significance
 - B. Promote, protect, and facilitate preservation of areas with historic values
 - C. Regulate the uses of structures at, near, or along places having unique historical architectural interest or value as contemplated by the relevant provisions of the Pennsylvania Municipalities Planning Code.

(Ord. 1968, 9/8/2003, §302)

SECTION 303. Conservation District – Effect.

1. Within the Conservation District, the Borough shall regulate:
 - A. The proposed demolition of any building with a footprint larger than 150 square feet
 - B. Any proposed addition to an existing building, including its size, height and design
 - C. The size, height, and design of any new building
 - D. The location of any new building on a lot
 - E. The location and design of parking lots for three or more spaces
 - F. The location, size, and design of fences.
2. Within the Conservation District, the Planning Commission shall review:
 - A. Any major alteration of a facade of any building visible from a public street

(Ord. 1968, 9/8/2003, §303)

SECTION 304. Conservation District – Review Procedure.

1. Any applicant who seeks within the Conservation District to demolish a building, construct a building, construct an addition to an existing building, or erect a fence shall submit an application provided by the Borough. The application shall include the information described in Section 202 of this Chapter.

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- A. The Planning Commission shall review the application and make a recommendation to Borough Council, which shall approve or deny the application based on the design guidelines in Section 306 through 317 of this Chapter.
2. Any applicant who seeks to alter the facade of an existing building in the Conservation District shall submit an application provided by the Borough. The application shall include the information described in Section 202 1 B of this Chapter.
 - A. If the Zoning Officer determines the proposed change meets the guidelines of this Chapter, he shall issue a permit for the work.
 - B. If there is any question as to whether the proposed change meets the guidelines of this Chapter, the Zoning Officer shall refer the matter to the Pottstown Planning Commission to review the application and either recommend approval of the proposed alteration or recommend alternatives to the applicant. Recommendations shall be advisory only and shall not be considered as grounds for approving or denying an application.
 - C. No permit shall be issued until the applicant has formally acknowledged he has received the recommendations of the Planning Commission. However, if the proposed change conforms to the Building Code and all other applicable state and borough ordinances, the Zoning Officer shall issue a permit for the work. The Zoning Officer shall act on all permit applications within 90 days of receiving them.

CONSERVATION DISTRICT SUMMARY CHART

This chart is designed for quick reference only. Specific requirements are stated in the design guidelines, Section 306 through Section 317

Category	Existing buildings	New buildings
Demolition	Applicant must demonstrated there is no viable alternative.	Design review required for new buildings replacing demolished structures.
Architectural style	Retain architectural features wherever possible.	Shall be compatible with the architectural style of existing historic buildings.
Building placement		Should have the average setbacks as existing buildings on the same block within a radius of 250 feet.
Building size and width		Should be the average size as existing buildings on the same block within a radius of 250 feet, or appear to be from the street.

CONSERVATION DISTRICT SUMMARY CHART

This chart is designed for quick reference only. Specific requirements are stated in the design guidelines, Section 306 through Section 317

Category	Existing buildings	New buildings
Building height		Should be the average height of existing buildings on the same block within 250 feet.
Base, body, cap		Should have base, body, cap similar to adjoining buildings.
Proportion of building walls to openings	Window and door openings visible from the street in existing historic buildings should not be enlarged or reduced.	The proportion of walls to openings on walls visible from the street should be from 2:1 to 1:1.
Building form		Buildings should match existing buildings on the same block as either vertical or horizontal form.
Texture and pattern of exterior materials	New materials, such as siding, should appear similar to original materials.	Exterior building materials should be compatible with the materials used in nearby historic buildings.
Additions	No vinyl siding over brick or stone walls. Additions should be at the rear, in a very few cases the side, but not the front. Additions should be similar in form, scale and materials to existing building.	
Porches	Front porches and side porches facing a street should not be enclosed. In enclosure is absolutely necessary, the original elements, including proportion of walls to openings, must be retained.	Porches needed on new buildings if adjacent buildings on the block have porches facing the street. The new porches should be similar in form, scale, and materials to existing porches.

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CONSERVATION DISTRICT SUMMARY CHART

This chart is designed for quick reference only. Specific requirements are stated in the design guidelines, Section 306 through Section 317

Category	Existing buildings	New buildings
Accessory Buildings		Garages should be same general size, height and placement as existing garages and similar accessory buildings on the same block within 250 feet radius. Storage sheds shall be no larger than 100 sq. feet.
Fences and walls	Restrictions on materials for front and side fences facing a street. Height: Front fences: 3 feet Side fences facing street: 4 feet Interior side and rear fences: 6 feet	Restrictions on materials for front and side fences facing a street. Height: Front fences: 3 feet Side fences facing street: 4 feet Interior side and rear fences: 6 feet
Parking lots	Should be located to the rear of buildings whenever possible. Second choice: Side of buildings. Access should be from alley or side street whenever possible.	Should be located to the rear of buildings whenever possible. Second choice: Side of buildings. Access should be from alley or side street whenever possible.

(Ord. 1968, 9/8/2003, §304)

SECTION 305. Conservation District – Design Guidelines.

When reviewing applications for permits under this Chapter, Pottstown Borough Council shall apply the design guidelines in Section 306 through Section 317.

(Ord. 1968, 9/8/2003, §305)

SECTION 306. Demolition.

1. The demolition of any existing building of historic value should be considered a last resort, only after the applicant can either:
 - A. Demonstrate that no other viable alternatives for reuse of the building exist. This would include
 1. An analysis of the building's adaptive re-use feasibility
 2. Evidence that no feasible re-use has been found within an 18-month period
 3. Evidence that no sales or rentals have been possible during an 18-month period of significant marketing, or
 - B. Demonstrate that demolition of a building is an unavoidable and integral part of a construction scheme affecting a larger area than the building in question, which will, in the opinion of the Borough Council, provide substantial public benefit.
2. No building shall be demolished until a plat and design review of any proposed new buildings has been conducted by the Planning Commission and approved by Borough Council.

(Ord. 1968, 9/8/2003, §306)

SECTION 307. Style of Architecture.

Pottstown encourages property owners to rehabilitate existing historic buildings rather than redesign them. In the vast majority of cases, the best design is the building's original design.

Background: The following illustration (on file at the Borough office) demonstrates many of the details that define the characteristics of Pottstown buildings and give them their unique "personality". The most important part of any building is its "facade," the front of the building facing the street.

Design guideline for existing buildings:

Pottstown encourages property owners, whenever possible, to retain or repair original architectural features such as cornices, lintels, windows and doors. If these features cannot be repaired, they should be replaced with reproductions of the originals. If this is not feasible, they should be replaced with features that are similar in size and scale to the original. The facade is the most important part of the building to conserve in its original form.

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Design guideline for new buildings:

New buildings in the Conservation District shall be compatible with surrounding historic homes in:

1. Architectural style
2. Form, either horizontal or vertical
3. Base, body, and cap
4. Scale
5. Texture and pattern of exterior materials
6. Proportion of walls to openings.

(Photos on file at Borough Office)

(Ord. 1968, 9/8/2003, §307)

SECTION 308. Placement of Buildings.

For measuring distances pursuant to this Article, unless otherwise specified, all measurements shall be made from the center point of the existing lot. In addition, the term "block" shall mean both sides of the street.

1. Setback from the street: The distance of a new principal building from the curb of the street shall be either:
 - A. The average distance of the existing buildings on the same block facing the same street within a radius of 250 feet.
 - B. Or the same distance as at least 30% of the buildings on same block facing the same street within a radius of 250 feet.

This distance may be adjusted by as much as 30%, unless all buildings on the same block facing the same street have the same setback. This distance also applies to additions to existing buildings.

2. Setback from other buildings: The minimum distance between any new principal building and existing buildings shall be:
 - A. The average distance between the existing buildings on the same block facing the same street within a distance of 250 feet from each side property line. In order to address potential concerns of health and safety, the Zoning

Officer, at the Zoning Officer's sole discretion, may require a side yard setback of up to six feet.

- B. This distance may be adjusted by as much as 30%, unless the result is less than the minimum required six-foot setback from the property line, if applicable. This distance also applies to additions to existing buildings. The 30% adjustment may be applied only during the time of initial layout of the building on the site during the plan approval process. Field adjustments for building location may require an amended plan, subject to the discretion of the Borough or its representative. If required, an amended plan shall be submitted to the Borough for the approval process as outlined in Sections 200, A200, A200.1, 201, 201, and 203 of this Chapter.

- 3. Setback from rear lot line: The minimum distance of any new principal building from the rear lot line shall be:

- A. The average rear yard distance of the existing buildings on the same block facing the same street within a radius of 250 feet.

This distance may be adjusted by as much as 50%. This distance also applies to additions to existing buildings.

How to measure distances: Distances can either be measured in the field or by using GIS or Sanborn maps available at Pottstown Borough Hall.

Setback from curb line: A property owner wishes to subdivide the lot at 246 Chestnut Street, shown in an illustration on file at the Borough Office, and construct a new building. Using the Sanborn Map, we see there are 18 buildings facing the street on the block. At least 30% of the buildings are placed adjacent to the sidewalk (nine feet back from the curb), so the new building may be placed nine feet back from the curb (adjacent to the sidewalk). Alternately, we can add the setbacks of all 18 buildings and divide by 18 to get an average setback of 12 1/2 feet from the curb, which may be adjusted by as much as 30%, for a possible setback of nine feet to 16 feet from the curb.

Setback from other buildings: Measuring the total distance between the 18 buildings on the block and dividing by 18, we reach an average distance of 11.6 feet. This can be adjusted by as much as 30%, so a new building may be placed, as a minimum distance, eight feet from neighboring buildings or a minimum distance of six feet, if applicable, from each side property line, whichever is greatest. Twin homes or townhomes shall be counted as one building for purposes of determining these distances.

Setback from rear lot line: Measuring the total distance of the existing 18 buildings from their rear lot line and dividing by 18, we reach an average distance of 65 feet. This figure may be adjusted by 50%, so a new building may be placed, as a minimum distance, 33 feet from the rear lot line.

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A 1907 Sanborn Map of Pottstown shows the footprint of every building on the 200 block of Chestnut Street. The block has remained the same for nearly 100 years. Note the buildings are generally proportionate in size, shape, setback from the street, and side yards.

4. Setbacks in undeveloped areas: Except for lots of one acre or more, in cases where a new principal building is being proposed on an area of the Neighborhood Residential District or the Traditional Town Neighborhood District where no block structure exists or where there are fewer than four existing principal buildings on the block facing the same street, the applicant shall use the closest block with at least four principal buildings facing the same street to determine the size, setbacks and height of new buildings. For lots of an acre or more in the Neighborhood Residential and Traditional Town Neighborhood, see Section 403, Large Lot Conditional Uses.
5. Setbacks for corner lots:
 - A. For buildings to be constructed at the intersection of two streets, the setback for the side of the building shall be:
 1. The average distance of the existing buildings adjacent to the same corner.
 2. Or the same distance as at least one of the buildings adjacent to the same corner.
 - B. Whenever possible, the entrance shall be located on the corner.

(Ord. 1968, 9/8/2003, §308; as amended by Ord. 2037, 4/9/2007; and by Ord. 2042, 8/13/2007)

SECTION 309. Building Size.

1. A new building, or an existing building with a new addition, should be either the
 - A. The average size of other buildings on the same block facing the same street within a radius of 250 feet, or
 - B. The average size of at least 30 percent of the buildings on the same block facing the same street within a radius of 250 feet.
 - C. The average size as determined in A. or B. above may be adjusted as much as 30 percent.
2. In Neighborhood Residential or Traditional Town Neighborhood Districts: A new building, or an existing building with a new addition, may be 30 to 100 percent larger than other buildings facing the same block as a conditional use if the appli-

cant can demonstrate to the satisfaction of Borough Council that the facade of the new building will be compatible with existing buildings on the block regarding:

- A. Form, either horizontal or vertical
 - B. Base, body, and cap
 - C. Scale
 - D. Texture and pattern of materials
 - E. Proportion of walls to openings
3. In all cases, the new building or existing building with a new addition must conform to the side yards and setbacks in Section 308, the height limitations in Section 310, and meet all other provisions of this Chapter.
 4. In the Downtown District: A new building, or an existing building with a new addition, may be of any size as a conditional use if the applicant can demonstrate to the satisfaction of Borough Council that building a larger structure will be compatible with the existing buildings on the block regarding:
 - A. Form, either horizontal or vertical
 - B. Base, body, and cap
 - C. Scale
 - D. Texture and pattern of exterior materials
 - E. Proportion of walls to openings
 5. In all cases, the building must conform to the side yards and setbacks in Section 308, the height limitations in Section 310, and meet all other provisions of this Chapter.

(Ord. 1968, 9/8/2003, §309)

SECTION 310. Building Height.

Background: Building height is the vertical distance from the grade at the front of the building to the top of the roof for buildings with flat roofs. For other buildings, the perceived height is measured as illustrated in photos on file at the Borough Office. Cupolas, towers, or turrets of less than 50 square feet are not counted when measuring height.

1. Design guideline: The height of new buildings shall be either:

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- A. Within 15 percent of the perceived height of the buildings on either side of the new building, or
 - B. Within 15 percent of the average perceived height of the buildings facing the same side of the block within a radius of 250 feet.
2. In the Downtown District: A building may be up to 60 feet high as a conditional use if the applicant can demonstrate to the satisfaction of Borough Council that building a higher structure will be compatible with existing buildings facing the same block regarding base, body and cap; form; scale; texture and pattern of exterior materials; and proportion of walls to openings.

(Ord. 1968, 9/8/2003, §310)

SECTION 311. Base, Body and Cap.

Background: The front facade of most Pottstown buildings have three primary components:

- Base – A portion of a building foundation, or in the case of stores, the first floor of a building, which is distinct from the upper floors.
 - Body – One or more architecturally similar stories which are distinct from the Base.
 - Cap – The roof of a building, including a cornice or parapet where the Body of the building ends.
1. Design guideline: For the front facade of existing buildings: (photos on file at Borough Office).
 - A. For renovations and alterations, a distinct base, body and cap should be retained.
 2. For the front facade of new buildings:
 - A. Each new building should have a distinct base at the street level, a body with a consistent character for the main or upper stories, and a cap.
 - B. The base, body and cap should roughly line up with the base, body, and cap of adjoining buildings.

(Ord. 1968, 9/8/2003, §311)

SECTION 312. Proportion of Building Walls to Openings.

Background: The number and size of windows and doors in a building strongly affect its appearance. The amount of open space in a wall can be expressed as a ratio. For example, a building with twice as much wall space as windows and doors would have a 2 to 1 ratio.

Most of Pottstown's historic buildings have a wall to openings ratio between 2 to 1 and 1 to 1. Some new buildings have walls that are largely glass or largely wall. To be compatible with Pottstown's existing buildings, they should have wall to openings ratios between 2 to 1 and 1 to 1.

Design guideline: (Photos on file at Borough Office).

1. For the front facade of existing buildings:
 - A. If windows and doors are replaced, the new ones shall use the same space as the windows and doors they are replacing. They shall not create a larger or smaller opening in the wall. If the property owner can demonstrate that the current doors and windows are not original, the facade may be restored to its original proportion of wall to opening
2. For the front facade of new buildings or additions:
 - A. A new building must have a proportion of wall to opening ranging from 2 to 1 to 1 to 1.
3. Dark tinted or reflective glass in windows is prohibited.

(Ord. 1968, 9/8/2003, §312)

SECTION 313. Building Form. (Photos on file at Borough Office).

Background: Buildings are usually either vertical or horizontal in shape. Pottstown's Victorian era buildings are usually vertical – narrow and tall.

In the Victorian era, even very wide buildings often appear to be vertical because their windows and doors are taller than they are wide, and they are grouped together vertically.

Another method to make a wide building appear vertical is to break the facade into separate sections through the use of setbacks.

In Pottstown's North End neighborhoods, ranch-style homes constructed in immediately after World War II are horizontal – wider than they are tall.

ZONING

1. Design guideline: New buildings shall match adjacent buildings to determine whether they will have a vertical or horizontal orientation. If a new building is considerably larger than adjoining vertical buildings, its facade shall be divided into vertical sections.

(Ord. 1968, 9/8/2003, §313)

SECTION 314. Texture and Pattern of Materials.

Background: From the colonial era to the Second World War, most buildings in Pottstown were constructed of brick. A relative few were made of stone or wood. After the war, many houses were constructed of asphalt shingles and aluminum siding. In recent years, stucco and various synthetic siding materials have been used.

Design guideline:

1. For existing buildings:
 - A. Brick walls of buildings visible from any public right-of-way shall not be covered with vinyl or aluminum siding, stucco, or any other such materials.
 - B. If new materials are used to cover existing exterior walls that are constructed of materials other than brick, they should be similar in appearance to those of other buildings facing the same the block within a radius of 250 feet.
2. For new buildings:
 - A. The exterior materials of new buildings should be similar in appearance to those of existing buildings facing the same block within a radius of 250 feet.
 - B. New materials not found on other buildings on the block may be judged acceptable if, in the judgment of the Borough, the new building conforms with existing buildings in other ways, such as height, form, scale, and proportion of wall to openings.

(Ord. 1968, 9/8/2003, §314)

SECTION 315. Additions.

1. Because facades are so important to the appearance of a building, additions should be avoided at the front of a building. Whenever possible, additions should be constructed at the rear of a building, or the least conspicuous side. The more visible the addition from the street, the more important compatibility becomes.

2. Design guideline: When reviewing proposals for additions, the Borough shall judge its suitability based on: (Photos on files at Borough Office).
 - A. Placement
 - B. Height
 - C. Proportion of wall to openings
 - D. Form
 - E. Texture and pattern of exterior materials
 - F. Architectural style

(Ord. 1968, 9/8/2003, §315)

SECTION 316. Porches.

Background: Porches are a common element of traditional Pottstown homes. They are semienclosed with a roof attached to the building and supported by columns, allowing people to sit outdoors protected from the elements.

Occasionally property owners will enclose a porch to provide more living space, but it is almost always at the cost of degrading the appearance of the building.

Design guideline: (Photos on file at Borough Office).

1. Front porches and side porches that face a street shall not be enclosed, except by glass or screens that leave intact the original elements of the porch – the open space, the railings, columns and roof.
2. When columns and railings need replacement, they shall be replaced with the same materials as the original or materials that are similar in appearance to the original. Wrought iron or aluminum columns shall not replace wooden elements. Wooden railings and columns shall be painted.

(Ord. 1968, 9/8/2003, §316)

SECTION 317. Fences and Walls.

Background: Fences and walls are another integral part of Pottstown neighborhoods. Traditionally, fences in front yards have been short enough so people could easily talk over them. They have been made of wood, wrought iron, or brick. In areas where buildings have been built up against the sidewalk, however, fences have formed part of the street edge and sometimes are as high as six feet.

ZONING

1. Design guideline: One type of fence shall be used from the choices listed below: (Photos on file at Borough Office).

Location	Maximum height	Materials
Front yard	3 feet	Brick Ornamental iron Ornamental aluminum or steel designed to look like iron Stone
Side yard adjacent to street (alleys excluded)	4 feet	Wood in the form of a picket fence Vinyl designed to look like wood in the form of a picket fence
Rear yard adjacent to a street (alleys excluded)		Vinyl designed to look like iron
Front or side yard of a building that abuts sidewalks	6 feet	Brick Ornamental iron Ornamental aluminum or steel designed to look like iron Stone Wood Vinyl designed to look like wood or iron Stucco over concrete block, capped with brick or stone
Interior side yard Rear yard	6 feet	Any common fence material

The most aesthetic side of fences shall face the exterior of properties.

(Ord. 1968, 9/8/2003, §317)

SECTION 318. Neighborhood Residential (Conservation).

1. Intent: To maintain and enhance historic neighborhoods consisting mostly of single-family housing with only a few nonresidential uses; to encourage infill development with similar housing types on smaller lot sizes.

2. Permitted Uses

Dwelling – single-family detached

Dwelling – single-family semidetached (only permitted on lots of less than one acre existing as of the effective date of this amendment [4/9/2007])

3. Conditional uses (See Conditional Uses – Sections 400-401)

Cemetery

Church

Child Care Facility – Family Day Care

Dwelling – single family attached

Golf course

Large lot conditional use, which shall be the only allowable use for lot sizes of one acre or larger. (See Section 403, Large Lot Conditional Uses.)

Park

School

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Garage – private

Greenhouse

Home occupation

Parking lot

Storage shed (maximum 120 square feet)

ZONING

Swimming pool

5. Existing Building Conditional Uses (See Section 402)

Any existing apartment building:

Dwelling – apartment/condominium

Offices (except client-based social service provider) on first floor, and dwelling – apartment/condominium on upper floors

Offices (except client-based social service provider)

Any existing non-residential building:

Offices (except client-based social service provider)

(Ord. 1968, 9/8/2003, §318; as amended by Ord. 2037, 4/9/2007; and by Ord. 2042, 8/13/2007)

SECTION 319. Traditional Town Neighborhood (Conservation).

1. Intent: To preserve and enhance historic neighborhoods that are predominantly residential, but also have a small number of stores and offices mixed in with the housing.

2. Permitted Uses

Dwelling – apartment/condominium (minimum 2,400 sf on ground floor)

Dwelling – single family detached

Dwelling – single family semi-detached

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Cemetery

Church

Child Care Facility

Dwelling – single family attached

School

Social club

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Garage – Private

Greenhouse

Home occupation

Parking Lot

Storage shed (maximum 120 square feet

Swimming Pool

5. Existing Building Conditional Uses (See Section 402)

Any existing non-residential building:

Office (except client-based social service provider)

Office (except client-based social service provider) on first floor, and dwelling – apartment/condominium on upper floors

Any existing non-residential building with a minimum of 1,500 square feet on the ground floor of the principal building:

Direct retail Direct service Restaurant – Non alcoholic

Any existing nonresidential building consisting of two or more stories with a minimum of 2,400 square feet on the ground floor of the principal building:

Apartment/condominium

Any existing dwelling – apartment/condominium building:

Office (except client-based social service provider), solely, or with Apartment/condominium on upper floors

6. Special exceptions (see Section A319)

Dwelling – boarding home

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Dwelling – convalescent home

Dwelling – group home

Dwelling – tourist home/bed and breakfast

(Ord. 1968, 9/8/2003, §319; as amended by Ord. 2042, 8/13/2007)

SECTION 320. Downtown (Conservation).

1. Intent: To preserve and enhance Pottstown's historic central business district with a wide range of retail, business, professional, governmental, and urban residential uses.

2. Permitted Uses

Bank and financial institutions

Direct retail store

Direct service store

Dwelling – apartment/condominium (second floor and above only)

Health and Fitness Center

Hotel/motel

Institutional/civic use

Offices except client-based social service provider

Restaurants

Trade schools, second floor and above only

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Child Care Facility

Dwelling – apartment/condominium (in buildings with a minimum 2,400 square feet on the first floor)

Dwelling – single family semi-detached, except on Hanover Street and High Street between York and Evans Streets.

Dwelling – single family attached, except on Hanover Street and on High Street between York and Evans Streets.

Drive-through service windows as an accessory use

Parking garage

Parking lot

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Garage – Private

Greenhouse

Home occupation

Parking lot

Solid waste storage unit

Storage shed (maximum 120 square feet)

5. The following uses are prohibited on: High Street between York and Evans Street, Hanover Street between the Norfolk Southern tracks and Buttonwood Alley , Charlotte Street between the Norfolk Southern tracks and Buttonwood Alley

General offices on the first floor

Adult entertainment establishments

Indoor amusement places, including arcades

Check cashing establishments

Fortune telling establishments

Institutional uses, including hospitals and churches

Massage parlors

Pawn shops

ZONING

Tattoo and body piercing establishments

Outdoor storage, including vending machines

Outdoor parking lots when not an accessory use

(Ord. 1968, 9/8/2003, §320; as amended by Ord. 2042, 8/13/2007)

SECTION 321. Gateway District – Intent.

Pottstown's gateway districts form the major entryways to downtown Pottstown and its historic neighborhoods. They do much to establish the initial impression of Pottstown. Unfortunately, these areas include some of the least attractive development in the Borough.

After the Second World War, a new form of development evolved that was much different from Pottstown's downtown and traditional neighborhoods. Located on the eastern and western edges of Pottstown along its major thoroughfare, High Street, this development was geared almost entirely to automobile use. It usually consisted of modest buildings with large parking lots in front of them.

At the crossroads of other thoroughfares, such as Charlotte and Wilson Streets, and Hanover Street and Farmington Avenue, other small businesses cropped up that were designed for the automobile. Meanwhile, automobile-oriented industrial uses evolved at the southern entrance of Pottstown, Hanover Street. These uses are convenient for people in cars, but not very attractive, and certainly not compatible with adjacent historic residential neighborhoods.

Although the use of the car is essential to keep these businesses viable, it is the intent of Pottstown Borough to encourage the revitalization and redevelopment of these areas to make them more attractive and more compatible with surrounding historic neighborhoods. In the long term, Council believes, this will enhance their economic viability for the future and improve Pottstown's quality of life.

(Ord. 1968, 9/8/2003, §321)

SECTION 322. Gateway District – Effect.

1. Within the Gateway District, the Borough shall regulate:
 - A. The proposed demolition of any building with a footprint larger than 150 square feet and located in a district declared eligible for the National Register of Historic Places by the Pennsylvania Bureau for Historic Preservation
 - B. Any proposed addition to an existing building

- C. The size and height of any new building
 - D. The location of any new building on a lot
 - E. The location and design of parking lots
 - F. The location and size of fences
 - G. The design of fences as part of any land development plan
2. Within the Gateway District, the Planning Commission shall review:
- A. Any major alteration of a facade of any building visible from a public street
 - B. The design of new buildings
 - C. The design of fences

(Ord. 1968, 9/8/2003, §322)

SECTION 323. Gateway District – Design Review Procedure for Existing Buildings.

1. Any applicant who seeks within the Gateway District to demolish a building, construct an addition to an existing building, or erect a fence shall submit an application provided by the Borough. The application shall include the information described in Section 202 of this Chapter.
- A. The Planning Commission shall review the application and make a recommendation to Borough Council, which shall approve or deny the application based on the design guidelines in Section 326 through Section 331 of this Chapter.
2. Any applicant who seeks to alter the facade of an existing building in the Gateway District shall submit an application provided by the Borough. The application shall include the information described in Section 202 1 B of this Chapter.
- A. If the Zoning Officer determines the proposed change meets the guidelines of this Chapter, he shall issue a permit for the work.
 - B. If there is any question as to whether the proposed change meets the guidelines of this Chapter, the Zoning Officer shall refer the matter to the Pottstown Planning Commission to review the application and either recommend approval of the proposed alteration or recommend alternatives to the applicant.
 - C. No permit shall be issued until the applicant has formally acknowledged he has received the recommendations of the Planning Commission. However, if

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the proposed change conforms to the Building Code and all other applicable state and borough ordinances, the Zoning Officer shall issue a permit for the work. The Zoning Officer shall act on all permit applications within 90 days of receiving them.

(Ord. 1968, 9/8/2003, §323)

SECTION 324. Gateway District – Design Review Procedure for New Buildings.

1. Any applicant who seeks to construct a new building and/or fences in the Gateway District shall submit an application provided by the Borough. The application shall include the information described in Section 202 1 B of this Chapter in addition to the material required in the Subdivision and Land Development process.
 - A. If the Zoning Officer determines the proposed construction meets the guidelines of this Chapter, he shall issue a permit for the work.
 - B. If there is any question as to whether the proposed construction meets the guidelines of this Chapter, the Zoning Officer shall refer the matter to the Pottstown Planning Commission to review the application and either recommend approval of the proposed construction or recommend alternatives to the applicant. Recommendations shall be advisory only and shall not be considered as grounds for approving or denying an application.
 - C. No permit shall be issued until the applicant has formally acknowledged he has received the recommendations of the Planning Commission. However, if the proposed construction conforms to the Building Code and all other applicable state and borough ordinances, the Zoning Officer shall issue a permit for the work. The Zoning Officer shall act on all permit applications within 90 days of receiving them.

(Ord. 1968, 9/8/2003, §324)

SECTION 325. Gateway District – Design Guidelines.

When reviewing applications for permits under this Chapter, the Pottstown Planning Commission and Pottstown Borough Council shall apply the design guidelines in Section 326 through Section 331.

(Ord. 1968, 9/8/2003, §325)

SECTION 326. Demolition.

1. In any district declared eligible for listing in the National Register of Historic Places, the demolition of any existing building of historic value should be considered a last resort, only after the applicant can either:
 - A. Demonstrate that no other viable alternatives for reuse of the building exist. This would include:
 1. An analysis of the building's adaptive re-use feasibility
 2. Evidence that no feasible re-use has been found within an 18-month period
 3. Evidence that no sales or rentals have been possible during an 18-month period of significant marketing, or
 - B. Demonstrate that demolition of a building is an unavoidable and integral part of a construction scheme affecting a larger area than the building in question, which will, in the opinion of Borough Council, provide substantial public benefit.
2. No building shall be demolished until a plat and design review of any proposed new buildings has been conducted by the Planning Commission and approved by Borough Council.

GATEWAY DISTRICT SUMMARY CHART

This chart is designed for quick reference only. Specific requirements are stated in the design guidelines, Sections 326 through Section 334.

Category	Existing Buildings	New Buildings
Demolition	Review required in district eligible for National Historic Register	Design review required for replacement buildings
Architectural style New Buildings Additions	When renovating, modify building when possible to reflect architectural style of adjoining historic neighborhoods	Architectural style should be compatible with adjoining historic neighborhoods
Placement		Buildings should face a principal street down-town.
Proportion of building walls to openings	Window and door openings visible from the street in existing historic buildings should not be enlarged or reduced.	The proportion of walls to openings on walls visible from the street should be from 2:1 to 1:1.

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GATEWAY DISTRICT SUMMARY CHART

This chart is designed for quick reference only. Specific requirements are stated in the design guidelines, Sections 326 through Section 334.

Category	Existing Buildings	New Buildings
Texture and pattern of materials	When renovating, modify building when possible to reflect the texture and pattern of construction materials in adjoining historic neighborhoods	Construction materials should reflect the texture and pattern of construction materials in adjoining historic neighborhoods.
Fences and walls	Front fences: 3 feet Side fences facing street: 4 feet Interior side and rear fences: 6 feet Restrictions on materials for front and side fences.	Front fences: 3 feet Side fences facing street: 4 feet Interior side and rear fences: 6 feet Restrictions on materials for front and side fences.
Parking lots	Should be located to the side and rear of buildings when possible.	Should be located to the side and rear of buildings when possible.
Lot size, building placement, building size and height	See charts, Sections 332 through 334.	See charts, Sections 332 through 334.

(Ord. 1968, 9/8/2003, §326)

SECTION 327. Architectural Style and Additions.

Downtown Pottstown and Pottstown's traditional neighborhoods were built in a number of distinctive styles which give the borough its pleasant character. Various examples are pictured in the Conservation District Sections 307 through 316.

1. Design guideline: New buildings within the Gateway Overlay District should be compatible with these styles. As existing buildings are renovated, and additions constructed, they should be designed to be compatible with the styles of existing buildings in adjacent traditional neighborhoods. (Photos on file at Borough Office).

(Ord. 1968, 9/8/2003, §327)

SECTION 328. Placement.

In the downtown gateway district, buildings should face a principal street.

(Ord. 1968, 9/8/2003, §328)

SECTION 329. Proportion of Building Walls to Openings.

Background: The number and size of windows and doors in a building strongly affect its appearance. The amount of open space in a wall can be expressed as a ratio. For example, a building with twice as much wall space as windows and doors would have a 2 to 1 ratio.

Most of Pottstown's historic buildings have a wall to openings ratio between 2 to 1 and 1 to 1. To be compatible with Pottstown's existing buildings, new buildings in Pottstown's Gateway Districts should have wall to openings ratios between 2 to 1 and 1 to 1.

(Ord. 1968, 9/8/2003, §329)

SECTION 330. Texture and Pattern of Materials.

Design guideline:

1. For existing buildings:
 - A. Brick walls of buildings visible from any public right-of-way shall not be covered with vinyl or aluminum siding, stucco, or any other such materials.
 - B. In the case of other existing walls, if new materials are used to cover them, the materials should be compatible with the materials on buildings in adjacent traditional neighborhoods, such as wood and brick.
2. For new buildings:
 - A. The exterior materials of new buildings should be similar in appearance to those of existing buildings in adjacent traditional neighborhoods, such as wood and brick.
 - B. New materials not found on existing buildings in adjacent traditional neighborhoods may be judged acceptable if, in the judgment of the Borough, the new building conforms in other ways, such as height, form, and proportion of walls to openings.
3. Dark tinted or reflective glass in windows is prohibited.

(Ord. 1968, 9/8/2003, §330)

SECTION 331. Fences and Walls.

1. Design Guideline: Fences and walls shall be placed according to the following chart:

ZONING

Location	Maximum height	Materials
Front yard	3 feet	Brick Ornamental iron
Side yard adjacent to a street (alleys excluded)	4 feet	Ornamental aluminum or steel designed to look like iron Stone
Rear yard adjacent to a street (alleys excluded)		Wood in the form of a picket fence Vinyl designed to look like wood in the form of a picket fence Vinyl designed to look iron
Front or side yard of a building that abuts sidewalk	6 feet	Brick Ornamental iron Ornamental aluminum or steel designed to look like iron Stone Wood Vinyl designed to look like wood or iron Stucco over concrete block, capped with brick or stone
Interior side yard	6 feet	Any common fence material
Rear yard		

(Ord. 1968, 9/8/2003, §331)

SECTION 332. Neighborhood Business (Gateway).

1. Intent: To enhance small areas for businesses that predominantly serve the surrounding neighborhood while eliminating any undesirable impacts that these businesses might cause to those neighborhoods.
2. Permitted Uses
 - Direct retail store of 3,000 square feet or less
 - Direct service store of 3,000 square feet or less
 - Dwelling – apartment/condos, if located on the upper floors of a building with a store or office
 - Office, except client-based social service provider

Restaurant, other than a drive-in restaurant

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Car wash

Convenience Store with Gasoline Dispensing Center

Drive-through window as an accessory use

Neighborhood automobile service station

Utility Company Operational Facility

Car wash

Convenience Store with Gasoline Dispensing Center

Drive-through window as an accessory use

Neighborhood automobile service station

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Parking lot

Solid waste storage unit

Storage shed (Maximum 200 square feet)

5. Requirements for lot area, building setbacks, and building size:

Standard	Size	Size for auto service station
Minimum lot area	2,000 square feet	7,000 square feet
Minimum open space	10 percent	10 percent
Maximum building coverage	75 percent	45 percent
Front setback	From 0 to 15 feet	From 0 to 20 feet
Minimum side setback	0	10 feet
Minimum rear setback	20 feet	20 feet

ZONING

Standard	Size	Size for auto service station
Minimum lot width	20 feet	70 feet
Minimum lot depth	100 feet	100 feet
Maximum building height	35 feet	35 feet
Minimum building coverage	35 percent	25 percent

(Ord. 1968, 9/8/2003, §332)

SECTION 333. Downtown Gateway (Gateway).

1. Intent: To promote the redevelopment of existing vacant industrial sites at the entryway to the downtown, creating a pleasant mixture of stores, homes, and offices that will complement the downtown to the north, the historic residential neighborhood to the east, and the Schuylkill River and Greenway to the south.

2. Permitted Uses

Bank and financial institution

Direct retail store

Direct service store

Dwelling – Apartment/condominium (second floor and above)

Health and fitness center

Hotel/motel

The following light manufacturing if less than 20,000 square feet;

Manufacture and assembly of small electrical appliances and parts such as lighting fixtures, fans, electronic measuring and controlling devices, radio and television receivers, and home electronic equipment, not included electrical machinery

Manufacture of boxes, containers, bags, and other packaging products from previously prepared materials, but specifically excluding the manufacture of paper from pulp.

Manufacture, assembly and packaging of jewelry, watches, clocks, optical goods and professional and scientific instruments

Manufacture, compounding, processing, packaging, or treatment of bakery goods, confections, candy and dairy products

Printing, publishing, lithographing, binding and similar processes

Scientific research laboratory or other experimental testing establishment

Park

Office (except client-based social service provider)

Restaurant (excluding drive through facilities)

School

Trade school (second floor and above)

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Child Care Facility – Day Care Center

Child Care Facility – Family Day Care Home

Child Care Facility – Group Day Care Home

Dwelling, attached single family (No Hanover Street frontage)

Drive-through service windows as an accessory use

Indoor entertainment (excluding adult entertainment)

Parking garages

Parking lot

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Existing Building Conditional Uses (see Section 402)

Any existing building two or more stories high with a minimum of 2,400 square feet on the ground floor:

Dwelling – apartment/condominium

5. Accessory Uses

Home occupation

Solid waste storage unit

ZONING

Parking lot Storage shed (Maximum 100 square feet)

6. Requirements for lot area, building setbacks, and building size (except for accessory uses):

Standard	Size
Minimum lot area	8,000 square feet 1,600 square feet for single family attached
Minimum open space	10 percent
Maximum building coverage	75 percent
Front setback	10 feet minimum/25 feet maximum 0 feet/10 feet for single family attached structures 0 feet/10 feet for non-residential uses as a conditional use where the adjacent uses are deemed similar by Borough Council
Rear setback	25 feet
Maximum building height	60 feet
Minimum floor to area ratio	40 percent (Area in parking garage is not included in calculating developed floor area)

(Ord. 1968, 9/8/2003, §333)

SECTION 334. Gateway East and Gateway West (Gateway).

1. Intent: To improve the aesthetics of the eastern and western commercial entryways to Pottstown, making them more attractive and compatible with the nearby historic residential areas.
2. Permitted Uses
 - Bank and financial institution
 - Commercial greenhouses
 - Direct retail store
 - Direct service store
 - Health and fitness center

Hospital

Hotel/motel

Public park or non-profit recreation use

Office, except client-based social service

Restaurant

Social club

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Automotive Repair Station (Gateway West only, read of building only)

Car wash

Convenience Store with Gasoline

Dispensing Center

Drive-through windows as an accessory use

Neighborhood automobile service station

Trade School (Gateway West only, limited to automotive and machine trading only)

Utility Company Operational Facility

Veterinary office and kennel

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Home occupation

Parking lot

Solid waste storage unit

Storage sheds and other similar structures (maximum size 200 square feet)

5. Requirements for lot area, building setbacks and building size:

ZONING

Standard	Size
Minimum lot area	30,000 square feet
Minimum open space	20 percent
Maximum building coverage	75 percent
Front setback	0-20 feet
Side setback	15 feet
Rear setback	20 feet
Minimum lot width	150 feet
Maximum lot depth	200 feet
Maximum building height	35 feet
Minimum floor to area ratio	20 percent

(Ord. 1968, 9/8/2003, §334; as amended by Ord. 1985, 10/12/2004; §3; and by Ord. 2042, 8/13/2007)

SECTION 335. Park (Gateway).

1. Intent: To preserve Pottstown's last remaining natural areas, to promote active and passive recreation, and to improve access to the Schuylkill River and the Manatawny Creek.
2. Permitted Uses
 - Boat Launches
 - Park
 - Picnic Areas
 - Trails
 - Water Access Areas
3. Conditional Uses (See Conditional Uses – Sections 400-401)
 - Restaurants (no drive-through facilities)
 - Recreational Rental Facilities
 - Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Use

Parking lot

(Ord. 1968, 9/8/2003, §335)

SECTION 336. Flex Office (Contemporary).

1. Intent: To establish and improve areas for modern, efficient offices and industries that provide a wide variety of employment opportunities and enhance the community. To provide a variety of job-producing manufacturing industries in Pottstown's Keystone Opportunity Zone, located along Keystone Boulevard.

2. Permitted Uses

Food processing not including slaughter

Health and fitness center

Light manufacturing, assembly and processing

Medium manufacturing, assembly, processing (for properties in the Keystone Opportunity Zone that have frontage along Keystone Boulevard)

Office, including client-based social service provider

Park

Printing and publishing

Research and development laboratories

Warehouse

3. Conditional Uses (See Conditional Uses – Sections 400-401)

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council

4. Accessory Uses

Parking lot

ZONING

Solid waste storage unit

Storage sheds and other similar structures (maximum size 200 square feet)

5. Requirements for lot area, building setbacks, and building size:

Standard	Size
Minimum lot area	30,000 square feet
Minimum open space	20 percent
Maximum building coverage	75 percent
Front setback	20 feet
Side setback	15 feet
Rear setback	20 feet
Minimum lot width	150 feet
Minimum lot depth	200 feet
Maximum building height	55 feet
Minimum floor to area ratio	20 percent*

*15 percent if full-time employment exceeds 12 persons per acre

(Ord. 1968, 9/8/2003, §336; as amended by Ord. 1985, 10/12/2004, §3; and by Ord. 2042, 8/13/2007)

SECTION 337. Highway Business (Contemporary).

1. Intent: To preserve and enhance general commercial areas where customers reach individual businesses primarily by automobile.

2. Permitted Uses

Automotive repair station

Automotive service station

Automobile, truck and construction equipment sales and service

Bank and financial institution

Car wash

Commercial greenhouse

Convenience Store with Gasoline Dispensing Center

Convenience Store with Gasoline Dispensing Center

Direct retail store

Direct service store

Health and fitness center

Hotel/motel

Neighborhood automobile service station

Office, except client-based social service provider

Outdoor Auction/Flea Market

Rental storage

Restaurant, including fast food with or without drive-through service.

Social club

Utility company operational facility

Veterinary office and kennel

Warehouse

3. Conditional Uses (See Conditional uses – Sections 400-401)

Mobilehome park

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

4. Accessory Uses

Parking and drive area

Parking lot

Solid waste storage unit

Storage sheds and other similar structures (maximum size 200 square feet)

ZONING

5. Requirements for lot area, building setbacks, and building size:

Standard	Size
Minimum lot area	30,000 square feet
Minimum open space	20 percent
Maximum building coverage	60 percent
Front setback	20 feet
Side setback	15 feet
Rear setback	20 feet
Minimum lot width	150 feet
Minimum lot depth	200 feet
Maximum building height	55 feet
Minimum floor to area ratio	20 percent

(Ord. 1968, 9/8/2003, §337; as amended by Ord. 2042, 8/13/2007)

SECTION 338. Heavy Manufacturing (Contemporary).

1. Intent: To establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses, and to make provision for commercial uses that are located most appropriately near industrial uses or that are necessary to service the immediate needs of people in these areas.
2. Permitted Uses
 - Automobile, truck, and construction equipment sales and service
 - Building Contractor
 - Food processing plant
 - Heavy manufacturing, processing, and assembly
 - Junkyard
 - Office, except client-based social service provider
 - Off-Premises Sign
 - Research and development laboratory

Trucking, carting, and hauling station.

Utility company building, operational, storage, or repair facility

Warehouse

3. Conditional Uses – Sections 400-401

Adult establishment

Solid waste mechanical processing unit

Utility Company Operational Facility

Uses of the same general character as those listed in this chart, with the same or lesser impact on the community as determined by Borough Council.

Storage shed

4. Accessory Uses

Parking lot

Solid waste storage unit

Storage sheds and other similar structures (maximum size 200 square feet)

5. Requirements for lot area, building setbacks, and building size:

Standard	Size
Minimum lot area	20,000 square feet
Minimum open space	5 percent
Maximum building coverage	85 percent
Front setback	20 feet
Side setback	0 feet
Rear setback	20 feet except when abutting railroad
Minimum lot width	100 feet
Minimum lot depth	200 feet
Maximum building height	85 feet
Minimum floor to area ratio	20 percent

(Ord. 1968, 9/8/2003, §338; as amended by Ord. 2042, 8/13/2007)

ZONING

SECTION 339. Floodplain Overlay District.

1. Intent: To protect Pottstown residents and property owners from the dangers of floods, the floodplain of the Schuylkill River and its tributaries within Borough boundaries are incorporated into a Floodplain Overlay District.

(Ord. 1968, 9/8/2003, §339)

SECTION 340. Floodplain Boundaries.

1. The identified floodplain area shall be those areas of Pottstown which are subject to a 100 year flood, as identified in the Flood Insurance Study dated December 19, 1996, and the most recent maps prepared for the Borough of Pottstown by the Federal Emergency Management Agency to accompany that study. The Flood Insurance Study Maps are located in the Pottstown Zoning Officer's Office in Borough Hall.
2. Description of Floodplain Areas. The identified floodplain area consists of the following specific areas:
 - A. Floodway Area: The areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the Federal Emergency Management Agency.
 - B. Flood Fringe Area: The remaining portions of the 100 year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown in the Flood Insurance Study.

(Ord. 1968, 9/8/2003, §340)

SECTION 341. Floodplain Regulations.

1. The floodplain districts described in Section 340 shall be overlays to the existing underlying districts as shown on the official Pottstown Borough Zoning Map, and as such, the provisions for the Floodplain District serve as a supplement to the underlying district provisions.
2. In the Floodway Area, only uses such as agriculture, recreation, and storage that do not involve the construction of permanent buildings are permitted.
3. In the Flood Fringe Area, all structures shall be elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the 100 year

flood. These structures shall also be designed to prevent pollution from the structure or activity during the course of a 100 year flood.

DETAILS. For details of these standards, see Zoning Appendix A3, Section A339, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §341)

SECTION 342. Airport Overlay District.

Intent: To protect people using the Pottstown Municipal Airport as well as the residents and property owners who live in the vicinity of the airport, an Airport Overlay District is created.

(Ord. 1968, 9/8/2003, §342)

SECTION 343. District Boundaries.

The boundaries of the Airport Overlay District are shown on the official Pottstown Borough Zoning Map located in the office of the Pottstown Zoning Officer in Borough Hall.

(Ord. 1968, 9/8/2003, §343)

SECTION 344. Effect.

To prevent accidents and eliminate safety hazards in the vicinity of the Pottstown Municipal Airport, certain height restrictions are imposed on all structures within the Airport Overlay District. In addition, any land use which interferes with navigational signals or radio communications between the airport and aircraft is restricted.

DETAILS. For details of these standards, see Zoning Appendix A3, Section A342, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §344)

Part 4

Conditional Uses

SECTION 400. Conditional Uses – Applications.

1. The following uses are permitted as Conditional Uses in those districts listed in Article 3. They shall meet the all the conditions listed.

A. Application:

1. Every application for a conditional use shall be made on a form prepared by the Borough. Included with the application shall be a fee which shall be determined by Borough Council from time to time by resolution.
2. The application shall include the request for approval of conditional use and sufficient information to document compliance with the applicable standards of this Chapter and the Pottstown Subdivision and Land Development Ordinance [Chapter 22].
3. The Borough Secretary shall submit one copy of the application to the Pottstown Planning Commission, one to the Montgomery County Planning Commission for their reviews and recommendations. A copy shall also be submitted to Pottstown Borough Council and any other agencies or consultants whose review may be needed.

B. Public Hearing:

Before making any decisions, Borough Council shall conduct properly advertised public hearings.

DETAILS. For details about the public hearing process, decisions of Borough Council, and the right to appeal, see Zoning Appendix A4, Section A400, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §400)

SECTION 401. Conditional Uses.

1. Adult Entertainment Uses.

See Appendix A4, Section A401 1, located at the end of this Chapter.

2. Building Size.

ZONING

- A. In the Neighborhood Residential District or Traditional Town Neighborhood District, a new building, or an existing building with a new addition, may be up to 100 percent larger than other buildings on the block as a conditional use if the applicant can demonstrate to the satisfaction of Borough Council that that building a larger structure will be compatible with the existing buildings on the block regarding:

1. Form, either horizontal or vertical
2. Base, body, and cap
3. Scale
4. Texture and pattern of exterior materials
5. Proportion of walls to openings

This can usually best be accomplished by building to the rear, away from the street.

- B. In the Downtown District, a new building, or an existing building with a new addition, may be any size, and may be up to 60 feet in height, if the applicant can demonstrate to the satisfaction of Borough Council that building a larger structure will be compatible with the existing buildings on the block regarding:

1. Form, either horizontal or vertical
2. Base, body, and cap
3. Scale
4. Texture and pattern of exterior materials
5. Proportion of walls to openings

3. Car Wash.

- A. Car washes shall be self-serve.
- B. No more than four bays shall be permitted.
- C. The outdoor service area shall be screened to the same standards as a Parking Lot.

4. Cellular Communications.

See Zoning Appendix A4, Section A401.4, located at the end of this Chapter.

5. Cemeteries.

Cemeteries shall be a minimum of five acres. Any crematory, columbarium, mausoleum, or similar structure shall be located at least 100 feet from any lot line. Any dwelling located in the cemetery shall be for the sole use of a caretaker.

6. Child care facility.

See Zoning Appendix A4, Section A401.6, located at the end of this Chapter.

7. Churches.

A. To be used as a church, an existing building must be at least 2,400 square feet on the ground floor and must meet the parking requirements in Section 600.

B. New church buildings must meet the following standards:

1. Standard	Size
Minimum open space	20 percent
Maximum building coverage, neighborhood residential	50 percent
Maximum building coverage, traditional town	75 percent
Minimum front setback, neighborhood residential	15 feet
Minimum front setback, traditional town	0 feet
Minimum side setback, neighborhood residential	15 feet
Minimum side setback, traditional town	0 feet
Minimum rear setback	20 feet
Maximum building height to cornice line	35 feet

8. Convenience Store with Gasoline Dispensing Center.

A. Convenience stores shall be limited to 3,000 square feet.

B. No more than four gasoline-dispensing pumps shall be permitted, covered by no more than one canopy.

C. The canopy shall be located at least 10 feet from any property line or street right-of-way.

D. The parking area and service area shall be screened to the same standards as a Parking Lot.

ZONING

- E. The applicant shall submit a litter control plan as part of the application for conditional use approval.
- F. Hours of operation shall be between 6 a.m. and 11 p.m. unless extended by Borough Council based on its proximity to residential areas.
- G. The applicant shall demonstrate to Borough Council that all lighting shall be shielded and reflected away from adjacent properties and streets and shall conform to the standards for illumination set forth in this Chapter.

9. Drive-Through Windows as an Accessory Use.

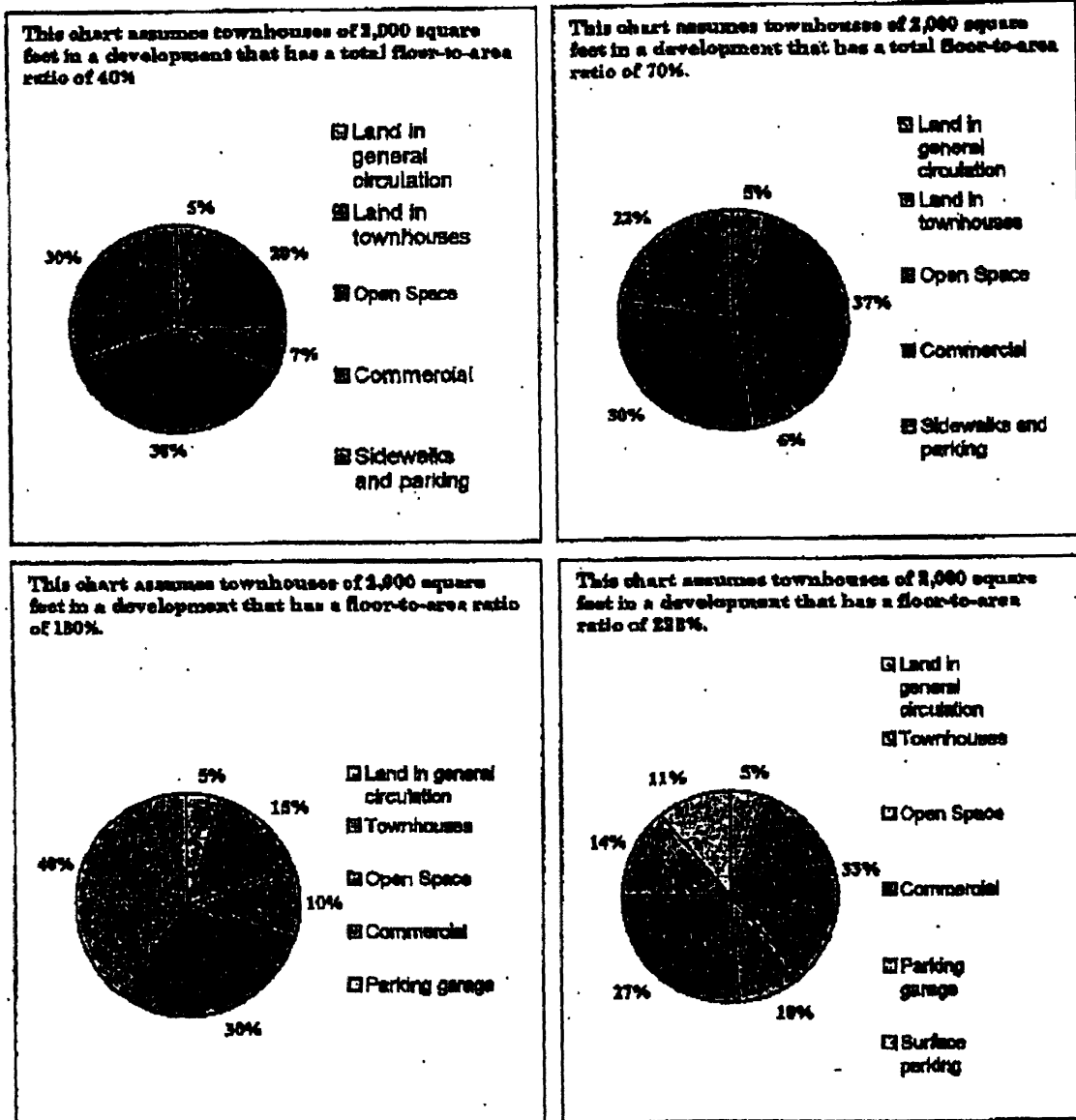
- A. A drive-through service window may be approved as part of a project that will make an existing building or lot more compatible with the appearance and character of Pottstown's traditional neighborhoods and downtown regarding:
 - 1. Form, either horizontal or vertical
 - 2. Base, body, and cap
 - 3. Scale
 - 4. Texture and pattern of exterior materials
 - 5. Proportion of walls to openings.
- B. A drive-through service window shall be located on an interior side of the lot. Drive through service windows and traffic lanes are prohibited in the front of a building or a side yard which abuts a street.
- C. In the Downtown District, a drive through service window shall use an existing curb cut. A new curb cut may only be created if it will lead to the elimination of an existing curb cut and provide a safer and more attractive environment for pedestrians, bicyclists and cars than currently exists.

10. Dwelling, Attached Single Family (No Hanover Street Frontage).

In order to ensure a mixture of commercial uses with housing in the Downtown Gateway District, the density of permitted attached single family dwellings (townhouses) varies in a sliding scale as shown below that varies in proportion to the amount of commercial development constructed at the same time. In all cases, the calculation of floor-to-area ratio will exclude any parking garage. No townhouses shall be permitted facing Hanover Street.

Minimum developed floor-to-area ratio	40%	70%	100%	130%	160%
Maximum units per acre	4	7	10	13	16

The charts below illustrate the wide range of possible scenarios for building attached single family dwellings along with commercial development in the Downtown Gateway District:



11. Dwelling apartments (in buildings with a minimum of 2,400 square feet on the first floor).
 - A. Apartments may be approved part of a project that will enhance the appearance and character of Pottstown's traditional neighborhoods by closely following the Conservation District guidelines.

ZONING

- B. The Borough shall require a traffic study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood.

12. Dwelling, single family attached.

- A. Single family attached dwellings shall be permitted in neighborhoods where other single family attached dwellings existed on the same block, or within 250 feet, and within the same zoning district, at the time this Chapter was adopted. No more than 6 single family attached dwellings may be constructed on one block.
- B. Single family attached dwellings shall be a minimum of 18 feet wide. Dwellings shall closely follow Conservation District guidelines.

For parcels of 1 to 3 acres, see Large Lot Conditional Uses, Section 403.

13. Golf Course.

Golf Courses shall be a minimum of 20 acres and shall contain an accessory parking lot with a minimum of 50 parking spaces.

14. Kennels, Commercial (With or without an accompanying veterinary practice).

- A. No outdoor kennel shall be located within a minimum of 300 feet from any existing residence.
- B. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.

15. Mobilehome Park.

- A. See Zoning Appendix A4, Section A401.15, located at the end of this Chapter.

16. Neighborhood Automobile Service Station.

- A. All minor repair work, vehicle washing, lubrication, and installation of parts and accessories shall be performed within an enclosed building.
- B. All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or in a back yard or interior side yard totally screened from view by a 6 foot high solid fence of wood, vinyl designed to look like wood, brick, stone, or stucco over concrete block (capped with brick, slate or stone).

- C. All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.
- D. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- E. All lighting shall be shielded and reflected away from adjacent properties and streets to prevent glare on adjacent properties.
- F. A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure be located at least 10 feet from any property line or street right-of-way.
- G. Accessory uses shall be 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 and do not include steam cleaning, body repairs, painting, or transmission, chassis, or engine repairs

17. Parking Garages.

- A. Parking garages shall be designed, to the greatest extent possible, to appear as if they are inhabited by humans, not cars. Like other buildings, their facades shall be compatible with traditional Pottstown architecture. The first floor facade facing any street, not including alleys, shall be used for retail or commercial uses. If in the judgment of Borough Council this is not feasible, retail show windows to give the appearance of a traditional downtown shall be placed in the facade.

18. Parking Lot.

- A. No parking lot shall be located at the intersection of two streets. Parking lots may be located at the intersection of a street and an alley.
- B. In any area where a parking lot abuts a street, the fencing and landscaping requirements of Pottstown's Zoning and Subdivision Ordinances shall be enhanced as follows:
 - 1. A five foot planting strip shall be located on the interior of a perimeter fence with shade trees planted no farther than 20 feet on center. Shrubbery and other greenery in the planting strip is encouraged.
- C. No single parking lot shall be more than 25,000 square feet.

19. Parks.

See Appendix A4, Section A401.19, located at the end of this Chapter.

ZONING

20. Recreation Rental Facilities.

See Appendix A4, Section A401.20, located at the end of this Chapter.

21. Restaurants (Park District).

See Appendix A4, Section A401.21, located at the end of this Chapter.

22. School.

A. Applicant shall demonstrate that the scale, location and intended use of existing and proposed buildings, the location of recreation areas, the relationship of the proposed use to existing streets and adjacent properties, and physical features do not present a deterrent to the protection of the health and safety of the pupils.

1. The applications shall indicate the grade levels of the pupils to be housed, the planned pupil capacity, and the contemplated eventual enrollment of the school.
2. Illumination for night time activities shall be shielded from illuminating adjoining streets and residential areas to prevent glare on adjacent properties.
3. The Borough may require a traffic study to ensure the proposed school will not adversely affect pedestrian, bicycle, and automobile traffic in the area.
4. The Borough may attach other conditions as may be necessary to protect the livability of the surrounding neighborhood.

23. Social Club.

A. Social clubs may be permitted provided the club is accorded non-profit status by the Internal Revenue Service and provided that eating, drinking, and sleeping facilities are clearly incidental to the purposes stated in its charter.

24. Solid Waste Facility.

See Appendix A4, Section A401.24, located at the end of this Chapter.

25. Theater or other Indoor Entertainment (excluding Adult Entertainment).

See Appendix A4, Section A401.25, located at the end of this Chapter.

26. Utility Company Operational Facility.

Utility distribution lines that deliver service to the end user, and utility transmission lines that deliver service to an area larger than an individual parcel, shall be installed underground unless subsurface conditions make underground installation impossible or state or federal law preempts enforcement of this provision. Utility company operational facilities should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

Buildings and other structures that cannot adhere to the scale, height, form, texture and pattern of materials, and architectural style shall be shielded by an opaque fence or wall appropriate to the district.

All utility company operational facilities shall meet the performance standards in Section 502.

27. Automotive Repair Station.

- A. In the Gateway West District, an automotive repair station may be permitted in any building existing at the time of the adoption of this Part, provided that:
 - 1. The use is confined to the rear of a building which is otherwise used exclusively for one or more of the uses permitted in §334(2).
 - 2. The total use area, including outdoor storage (vehicles only) is at least 20 feet back from the front of the building, with all doors and other openings facing the side or the rear of the building.
 - 3. Outdoor storage shall be limited to vehicles only. An opaque fence six feet high shall screen the outdoor use area, so that no vehicles can be seen from High Street. The fence shall be constructed of brick, stone, wood or vinyl designed to look like wood, or concrete-based stucco. At least, three feet in front of the fence (facing High Street) shall be dedicated to plantings, including one shade tree for every 10 feet of fence or fraction thereof.
 - 4. No vehicles shall be stored outside for more than three consecutive business days.

28. Trade School (Automobile or Machine Training Only).

- A. In the Gateway District, a trade school related to automotive or machinery repair may be permitted in any building existing at the time of the adoption of this ordinance, provided that:
 - 1. The use is confined to the rear of a building which is otherwise used exclusively for one or more of the uses permitted in §334.2.

ZONING

2. The total use area, including outdoor storage, is, at least, 20 feet back from the front of the building with all doors and other openings facing the side or rear of the building.
3. An opaque fence six feet high shall screen the outdoor area adjacent to the automobile storage station, so no vehicles can be seen from High Street. The fence shall be constructed of brick, stone, wood, vinyl designed to look like wood, or concrete-based stucco. At least three feet in front of the fence (facing High Street) shall be dedicated to plantings, including one shade tree for every 10 feet of fence or fraction thereof.
4. No vehicles shall be stored outside for more than three consecutive business days.

(Ord. 1968, 9/8/2003, §401; as amended by Ord. 1985, 10/12/2004, §3)

SECTION 402. Existing Building Conditional Uses.

1. Direct retail.
 - A. Direct retail may be approved part of a project that will closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood within 1,000 feet of the property.
 - C. Hours of operation shall be limited to 9 a.m. to 6 p.m. unless extended by Borough Council.
 - D. All lighting shall be shielded and reflected away from adjacent properties and streets to prevent glare on adjoining properties.
2. Direct service.
 - A. Direct services may be approved part of a project that shall closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.
 - C. Hours of operation shall be limited to 9 a.m. to 6 p.m. unless extended by Borough Council, based on the proximity of the business to residential areas.

3. Dwelling, Apartments/condominiums.
 - A. Apartments/condominiums may be approved part of a project that shall closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.
4. Offices.
 - A. Offices may be approved part of a project that will closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.
5. Offices on first floor, apartments on upper floors.
 - A. Offices on the first floor and apartments on the upper floors may be approved part of a project that will closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic within 1,000 feet of the property.
6. Restaurants-Non Alcoholic.
 - A. Restaurants-Non alcoholic may be approved part of a project that shall closely follow the Conservation District guidelines.
 - B. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood within 1,000 feet of the property.
 - C. Hours of operation shall be limited to 8 a.m. to 9 p.m. unless extended by Borough Council based on the proximity of the business to residential areas.
 - D. All lighting shall be shielded and reflected away from adjacent properties and streets.

(Ord. 1968, 9/8/2003, §402)

ZONING

SECTION 403. Large Lot Conditional Uses.

1. Purpose. Pottstown has a small number of undeveloped or partially developed lots that do not neatly fit into an existing neighborhood. In the cases of some large areas of open land that might some day be developed, such as a golf course or athletic fields, single family detached houses would be the most compatible with nearby neighborhoods.

In the case of smaller areas of open land, higher density housing may be compatible with nearby neighborhoods. In order to provide flexibility to develop these lots, and still retain Pottstown's traditional town character, the following standards shall be offered as a Conditional Use.

2. Any parcel of land in the Neighborhood Residential Zoning District or the Traditional Town Neighborhood Zoning District consisting of one acre or more, or any contiguous group of land parcels that total an acre or more, provided they are owned by the same entity at the time of the adoption of this Chapter, shall be permitted to be developed solely as a large lot conditional use pursuant to this Section. Development standards, including but not limited to density, housing type and architecture style, are set forth below.

A. Dwelling – single family detached.

Maximum density shall be 6 units per acre. The size of the homes and their placement shall be compatible with the character of the surrounding neighborhood, following Conservation District guidelines.

- B. Any plat located within an area declared eligible for the National Register of Historic Places by the Pennsylvania Bureau for Historic Preservation shall be compatible with nearby historic buildings regarding:

1. Placement
2. Height
3. Proportion of walls to openings
4. Form
5. Texture and pattern of exterior materials
6. Architectural style

3. The following uses shall be considered by Borough Council as a Conditional Use for any parcel of land in the Traditional Town Neighborhood District consisting of at least 1 acre but no more than 3 acres, or any group of land parcels within 200 feet of each other that total at least 1 acre but no more than 3 acres provided they are owned by the same entity and developed as part of a unified development. No

parcel of more than 3 acres existing at the adoption of this Chapter shall be subdivided to meet the requirements of this Section.

A. Dwelling – single family detached

Dwelling – single family semi-detached

Dwelling – single family attached

The size of the homes and their placement shall be compatible with the character of the surrounding neighborhood, following Conservation District guidelines.

1. Maximum density for dwellings shall be 12 units per acre.
2. Minimum unit size, exclusive of garage area, shall be 1,600 square feet.
3. Minimum building height shall be 2 stories; maximum is 3 stories.
4. Maximum number of attached units in any single grouping shall be 8.
5. All walls visible from a principal street shall be constructed of brick.
6. All other building walls shall be clad in wood clapboard, wood drop siding, wood board and batten, brick, stucco, hardi plank, or material of a similar quality and appearance.
7. Garage doors shall be permitted at the front of dwellings only if there is no public alley adjoining the property, and if the applicant can demonstrate to the satisfaction of Borough Council that it is not economically feasible to place garages in the rear. No more than one garage door per dwelling shall be part of the front facade of any dwelling, and no more than 50 percent of the front facade of any unit shall consist of a garage door. Front garage doors shall either be recessed or below grade. Garage doors shall be designed to be as unobtrusive as possible.
9. All accessory buildings with a floor area of more than 100 square feet shall be clad in the same material as the principal structure.
10. Sideyards and setbacks shall be consistent with existing buildings in accordance with Section 308. If, in the judgment of Borough Council, there are insufficient nearby principal buildings to determine sideyards and setbacks, the following standards shall apply:

ZONING

a. Standard	Size
Minimum open space	20 percent
Maximum building cover- age	60 percent
Front setback	9 feet min. to 20 feet max. Attached or semi-detached houses with garages on grade level shall be sufficiently close to the street to prevent cars from being parked in the driveway, unless the garages are behind the houses.
Minimum side setback	10 feet for twins or end units.
Minimum rear setback	25 feet
Maximum building height	35 feet at cornice line

- 11. The design of all buildings shall be compatible with the design of historic homes in Pottstown's Conservation District, and all elements of construction and design shall meet Conservation District guidelines.
- 12. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle, and automobile traffic in the neighborhood within 1,000 feet of the property.

B. Office

Church

School, according to the following:

1. Standard	Size
Minimum open space	20 percent
Maximum building coverage	75 percent
Front setback	0-20 feet
Minimum side setback	15 feet
Minimum rear setback	20 feet
Maximum building height	35 feet to the cornice line

- 4. The following uses shall be considered by Borough Council as a Conditional Use for any parcel of land in the Downtown District consisting of at least one acre but no more than 3 acres, or any contiguous group of land parcels that total at least 1 acre but no more than 3 acres, provided they are owned by the same entity and developed as part of a unified development. No parcel of more than 3 acres exist-

ing at the adoption of this Chapter shall be subdivided to meet the requirements of this Section.

A. All uses permitted in the Downtown District, Section 320, according to the following:

1. Standard	Size – west of Evans Street	Size – east of Evans Street
Maximum building coverage	75 percent	75 percent
Front setback	0	0 feet min. to 20 feet max.
Side setback	0 feet min. to 10 feet maximum	0 feet min. to 10 feet maximum
Minimum rear setback	20 feet	20 feet
Minimum building height	2 stories	2 stories
Maximum building height	60 feet	35 feet to cornice line

B. Dwelling – single family semi-detached

Dwelling – single family detached, according to the following:

1. Standard	Size – west of Evans Street	Size – east of Evans Street
Maximum building coverage	75 percent	75 percent
Front setback	0	0 feet min. to 20 feet max.
Side setback	0 feet min. to 10 feet maximum	0 feet min. to 10 feet maximum
Minimum rear setback	20 feet	20 feet
Minimum building height	2 stories	2 stories
Maximum building height	35 feet to cornice line	35 feet to cornice line

2. The size of the homes and their placement shall be compatible with the character of the surrounding neighborhood, following Conservation District guidelines.

ZONING

3. Maximum density for dwellings shall be 12 units per acre.
 4. Minimum unit size, exclusive of garage area, shall be 1,600 square feet.
 5. All walls visible from a principal street shall be constructed of brick.
 6. All other building walls shall be clad in wood clapboard, wood drop siding, wood board and batten, brick, stucco, hardi plank, or materials of similar quality and appearance.
 7. All buildings shall face a principal street.
 8. All required off-street parking shall be from the rear. No garage doors shall face a principal street.
5. Mixed Use Development in the Gateway East and Gateway West Districts, by Conditional Use.

Purpose.

Pottstown's Gateway East and Gateway West districts form major entryways to downtown Pottstown and its historic neighborhoods. They do much to establish the initial impression of Pottstown. Unfortunately, these areas include some of the least attractive development in the Borough.

After the Second World War, a new form of development evolved that was much different from Pottstown's downtown and traditional neighborhoods. Located on the eastern and western edges of Pottstown along its major thoroughfare, High Street, this development was geared almost entirely to automobile use. It usually consisted of modest buildings with large parking lots in front of them.

Although the use of the car is essential to keep these businesses viable, it is the intent of Pottstown Borough to encourage the revitalization and redevelopment of these areas to make them more attractive and more compatible with surrounding historic neighborhoods. In the long term, Council believes, this will enhance their economic viability for the future and improve Pottstown's quality of life.

To help recreate the traditional town pattern of seamlessly blended commercial and residential redevelopment along High Street and adjacent neighborhoods, the following uses shall be permitted as part of a mixed use development when authorized by conditional use by the Borough Council, in compliance with the standards and criteria set forth below:

- A. Use types:
 1. Bank or financial institution

2. Direct retail store
3. Direct service store
4. Health and fitness center
5. Office, except client-based social service
6. Restaurant, excluding a drive-in restaurant
7. Storage, small scale interior (rear access only)
8. Dwelling, apartment/condominium (second floor and above only)
9. Dwelling, single family semidetached
10. Dwelling, single-family attached

B. Conditional Use Standards:

1. The tract of land must be located along High Street in both a Gateway District, East or West, and a Neighborhood Residential District.
2. The tract shall be at least one acre but not more than five acres, provided that all parcels are owned by the same entity and developed as part of a unified development.
3. The unified development shall be served by a one-way street in the general form of a crescent with access off High Street and egress either on High Street or onto a street intersecting with High Street. All land on the shorter side of the crescent street shall be deed-restricted as common open space. All buildings shall be placed so as to face the longer side of the crescent street.
4. A minimum of 30% of the total tract area shall be set aside as common open space, which shall be permanently deed restricted from future subdivision and development.
5. The unified development shall have a maximum overall density of six dwelling units per gross acre and 5,000 square feet of nonresidential uses per gross acre, provided that the maximum footprint of all non-residential buildings combined shall not exceed 10,000 square feet.
6. Mix requirements for the total building square footage are as follows:
 - 40% to 50% for residential uses
 - 50% to 60% for nonresidential uses.

ZONING

7. Dimensional Standards.

Standard	Size
Unit width (all uses)	Minimum 20 feet, maximum 35 feet
Maximum building coverage	60 percent
Front setback from crescent street	10 feet minimum
Minimum setback from existing street	10 feet
Minimum setback from all other tract boundaries	25 feet
Minimum separation between differing building types	10 feet

8. All building walls visible from a street, excepting service alleys, shall be made of brick. No garages or driveways are permitted in the front of any building. All buildings shall be uniform in height and appearance and shall be compatible with the design of historic structures in Pottstown's Conservation Districts.
9. The Borough shall require a traffic study and a parking study to ensure the proposed development will not adversely impact pedestrian, bicycle and automobile traffic in the neighborhood within 1,000 feet of the property.

(Ord. 1968, 9/8/2003, §403; as amended by Ord. 1985, 10/12/2004, §3; and by Ord. 2037, 4/9/2007)

SECTION 404. Accessory Uses.

1. Greenhouse.

- A. Greenhouses shall comprise a total floor area of no more than 250 square feet.
- B. Greenhouses shall be located only in rear yards and shall not exceed 8 feet in height.

2. Home Occupations.

Home occupations shall comply with the following standards:

- A. Home occupations shall be conducted entirely within the dwelling or accessory building.

- B. Home occupations shall be conducted only by resident occupants of the residential dwelling, except that up to one person not a resident of the dwelling may be employed
 - C. There shall be no public display of goods on the premises.
 - D. The home occupation shall not have any business related exterior storage or display of goods and/or merchandise.
 - E. No article or good shall be sold or offered for sale which is not produced by a resident occupant of the dwelling
 - F. The home occupation shall not alter the exterior of the dwelling or accessory structures.
 - G. The home occupation shall not generate more than 5 vehicle trips per day in excess of that which is required for the primary use.
 - H. There shall be no regular deliveries to or from a home occupation from a vehicle with more than 2 axles.
 - I. No home occupation shall require trash pick-up in excess of that which is normally required for a residential dwelling.
 - J. No home occupation shall be conducted, created, altered or maintained which involves any purpose, trade or business which is noxious, offensive or potentially injurious to health by reason of odor, noise, dust, smoke, heat, gas, radiation, vibration or hazardous substance.
3. Garage – Private.
- A. In Conservation and Gateway Districts, private garages may be the same general size, height and placement on the lot as similar buildings on the same side of the same block within a 250-foot radius, except that whenever possible, garages should be accessed from an alley. A garage may have a second story if there are at least 2 other existing garages with second stories on the same side of the same block within a 250-foot radius.
4. Parking lots.
- A. Parking lots shall meet the standards in Part 6.
 - B. The following chart shows the maximum allowable off-street spaces for residential uses:

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Type of Use	Maximum Spaces
Single family dwelling, detached	3 spaces
Single family dwelling, semi-detached	3 spaces
Single family attached house	2 spaces
Multiple family dwelling unit	2 spaces per dwelling unit

5. Solid waste storage unit.

- A. Solid waste storage units shall be enclosed by an opaque fence or wall constructed of the following materials:
1. Brick
 2. Stone
 3. Wood
 4. Concrete-based stucco
 5. Vinyl designed to look like wood
- B. Fences shall be higher than the materials being screened. 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.

6. Storage Sheds and Accessory Buildings.

- A. In Conservation Districts, storage sheds shall be no larger than 120 square feet, unless there are at least two larger storage sheds on the same side of the block within 250 feet.
- B. Multi-story accessory buildings (excluding garages) are permitted if there are at least two other multi-story buildings on the same side of the same block within 250 feet.
- C. In the cases of A and B above, the Zoning Officer shall make a determination of the maximum size of the new shed or accessory building by the averaging of the size of the existing sheds. Storage sheds shall be located only in rear yards.
- D. In all other districts, storage sheds shall be located in a rear yard a minimum of three feet from any property line.

7. Swimming pools.

- A. Swimming pools shall be used solely for occupants of the property and their guests and shall be located a minimum of seven feet from a side yard and 10 feet from a rear yard, where applicable.
- B. The swimming pool area, or the entire property on which the pool is located, shall be fenced or walled to prevent uncontrolled access from the street and adjacent properties.
- C. Swimming pools shall not be located in any front yard.

(Ord. 1968, 9/8/2003, §404; as amended by Ord. 2042, 8/13/2007)

Part 5

General Regulations

SECTION 500. Miscellaneous Regulations.

1. Two or more permitted uses shall not be permitted on one lot unless subdivision or land development approval is secured, unless these uses are unified and form one overall use conforming to the regulations of the district where it is located.
2. No lot shall have erected upon it 2 or more principal buildings unless permitted otherwise by this Chapter.
3. Any truck, trailer, compressor, or other piece of equipment used in connection with a commercial or manufacturing use, assuming the use is legal or is legally non-conforming, shall be considered an extension of that use when:
 - A. It is actually in use in performing some legitimate service at the site at which it is parked.
 - B. It is being used in connection with on-going construction or similar work at the site.
 - C. It is a motor vehicle under 20 feet in length and 5,000 pounds in weight and is being used as a private vehicle, even if equipment is attached to it or carried on it.
 - D. The truck or trailer is parked on the lot of the legal or legally non-conforming use.
 - E. The truck or trailer is parked on the street adjacent to the legal or legally nonconforming use.
 - F. It is parked within a completely enclosed garage.
4. No more than 2 boats, recreational vehicles, or similar vehicles may be parked on one lot in any zoning district. The only exception to this limit is for a sales and service center for such vehicles or a commercial storage business for such vehicles.
5. In no case shall any street or alley in the Borough be used for automobile repair or any other use other than public passage unless authorized by ordinance, license, or act of Borough Council.
6. Temporary buildings and structures for uses incidental to construction work shall be permitted, provided such buildings are removed promptly upon completion or abandonment of the construction work.

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7. All fences in the Flex Office, Highway Business, and Heavy Manufacturing Districts shall conform to the following:
 - A. Fences shall be made of durable materials which shall be maintained in good condition. Fences shall be constructed and maintained so that the most aesthetic side shall face the exterior of the property. The requirement that the most aesthetic side shall face the exterior of the property shall not be applicable where fences are located upon abutting or contiguous private property lines.
 - B. A fence separating a wholly nonresidential use from any other wholly nonresidential use may not exceed 10 feet in height.
 - C. In the Highway Business and Flex Office Districts, no front yard fence may exceed four feet in height.
 - D. No fence shall be electrified or otherwise present a hazard to the public. Barbs and concertina wire shall be permitted in nonresidential districts only, seven feet in height and above.
8. Necessary or traditional accessory structures or architectural or structural features shall be exempted from applicable height regulations to the extent necessary. This exemption shall apply to spires, smokestacks, antennae, parapets, and the like.
9. All lots shall have frontage on a public street or a private street built to Borough-approved standards.

(Ord. 1968, 9/8/2003, §500; as amended by Ord. 2042, 8/13/2007)

SECTION 501. Prohibited Uses.

1. Any use not permitted, specifically or by implication, in a zoning district in this Chapter is prohibited specifically in that zoning district. The following uses and activities are specifically prohibited in any zoning district in the Borough:
 - A. Residential structures without permanent foundations or without permanent connections to utilities.
 - B. Mobilehomes other than those permitted within approved mobilehome parks. A mobilehome affixed permanently to a permanent foundation (that is to say the home cannot be removed from the foundation simply by unbolting, utility disconnection, and the severing of stabilizing attachments) and is connected to required utilities, no longer shall be classified a mobilehome but shall be considered a conventional structure.

- C. The showing or presenting of lewd material or entertainment in an outdoor setting or theatre.
- D. Any depository for dead animals or any facility for animal slaughtering or rendering.
- E. The tanning of hides.
- F. Any facility designed or used for the purpose of raising or maintaining animals, including fowl, to be used for food.
- G. The use of any land for the storage of:
 - 1. Motor vehicles not fully operable or not having current inspection and registration stickers
 - 2. Vehicle parts, machinery or parts thereof
 - 3. Scrap metals, wood, furniture, paper, rags, or any discarded material whatsoever unless a valid permit has been issued for it. This shall not include trash deposited in Borough approved containers and awaiting pick-up for no more than one week.

(Ord. 1968, 9/8/2003, §501)

SECTION 502. Performance Standards.

All uses allowed in the Conservation and Gateway Districts shall be managed so as not to cause an unacceptable level of:

- A. Air pollution
- B. Noise
- C. Odor
- D. Glare or heat
- E. Vibration
- F. Radioactivity or electrical disturbance
- G. Fire or explosion hazard
- H. Outdoor storage
- I. Waste disposal.

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DETAILS: For specific regulations, see Appendix A5, Section A502, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §502)

Part 6

Parking

SECTION 600. Off-Street Parking.

1. Off-street parking and loading provisions as set forth in these Parts shall be required in all instances, except the remodeling of existing buildings as follows:
 - A. In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase and if the new existing use does not require any more spaces under this Part than the use it replaces.
 - B. On-street parking spaces immediately adjacent to the property line of existing buildings may be used to count toward the requirements of this Part.
2. All off-street parking and loading areas, whether required by this Part or not, shall be developed, maintained, and used in accordance with the provisions set forth in these Sections.

(Ord. 1968, 9/8/2003, §600)

SECTION 601. Off-Street Parking Standards.

1. A parking space shall have a dimension of 9 feet by 18 feet. Parking lots with five or more spaces may designate up to 20 percent of the spaces as compact spaces with dimensions of 8 feet by 15 feet.
2. Parking lots shall comply with the Pottstown Subdivision and Land Development Ordinance [Chapter 22].
3. Interior aisles or maneuvering lanes shall have a minimum width as follows:

ANGLE OF PARKING SPACE	PARKING AISLE WIDTH IN FEET
90 degrees to 60 degrees	22
60 degrees to 45 degrees	19
Less than 45 degrees	17
Parallel	12

4. The number of parking spaces required is as follows:

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TYPE OF USE	PARKING SPACES RE- QUIRED
Single family dwelling, detached or semi-detached, 1 bedroom	1 space
Single family townhouse, 1 bedroom	1 space
Single family dwelling, detached or semi-detached, more than 1 bedroom	2 spaces
Single family townhouse with more than 1 bedroom	2 spaces
Multiple family dwelling unit, studio apartment or 1 bedroom	1 space per dwelling unit
Multiple family dwelling unit, 2 or more bedrooms	2 spaces per dwelling unit
Multiple family dwelling units for ages 55 and older	1 space per four dwelling units
Commercial, office, and institutional	3 spaces per 1,000 square feet
Industrial	1 space per 1,000 square feet
Warehouse	.25 space per 1,000 square feet

5. Every required parking space shall have direct access from or to a public street or alley without first requiring the movement of another motor vehicle.
6. The layout of any parking area shall be designed to allow vehicles to move forward when existing onto a public street, except for the following:
 - A. Parking spaces for no more than 2 vehicles having exits onto streets of 30 feet width or less may be designed for reverse exiting.
 - B. Parking spaces having exits onto streets or alleys of 24 feet width or less may be designed for reverse exiting.
 - C. No reverse exiting shall be allowed on Charlotte Street because of its high traffic volume
7. Garages located along any street or alley shall have their exit points located at least 22 feet from the opposite cartway limit of the street or alley onto which vehicles are exiting.

(Ord. 1968, 9/8/2003, §601)

SECTION 602. Off-Street Parking Surfaces.

1. All off-street parking areas shall be properly graded and drained as to dispose of all surface water accumulations within the area
2. No surface water from any parking or loading area shall be permitted to drain onto any adjoining property.
3. Any parking area with access or egress directly onto a street 24 feet or wider in the Downtown District shall be surfaced with an asphaltic, bituminous, cement, brick, or other properly bound pavement so as to provide a durable and dustless surface. Other parking lots may be surfaced with pavement or gravel.
4. Curbs, bumper guards, bollards or wheel stops shall be installed in parking and loading areas where there is a protective fence, wall or hedge to ensure that vehicles will not strike them or obstruct public rights of way.

(Ord. 1968, 9/8/2003, §602)

SECTION 603. Overflow Parking Surfaces.

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free compacted, pervious ground cover. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of acceptable pervious ground cover.

(Ord. 1968, 9/8/2003, §603)

SECTION 604. Lighting of Parking Areas.

All parking areas for more than 10 vehicles serving business uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Any lighting used to illuminate any off-street parking area, whether required or not, shall be so arranged or shielded to protect any adjacent residential premises from the glare of the illumination.

Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, directly skyward, or onto a roadway.

(Ord. 1968, 9/8/2003, §604)

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SECTION 605. Access Driveways.

1. Each separate use or group of buildings constructed and maintained on a lot as a unified development shall have no more than 2 access ways connecting a tract to any one street or highway for each 300 feet of frontage
2. No access way shall be nearer than 50 feet from the nearest curb line of 2 intersecting streets in the following districts:
 - A. Highway Business
 - B. Heavy Manufacturing
 - C. Flex-Office
 - D. Neighborhood Business
 - E. Gateway East and Gateway West
3. The access way shall be from 20 to 36 feet wide in the following districts:
 - A. Highway Business
 - B. Heavy Manufacturing
 - C. Flex-Office
 - D. Gateway East and Gateway West
 - E. Park
4. The access way shall be from 8 to 20 feet wide in Conservation Districts and the Downtown Gateway District.
5. In Conservation Districts and the Downtown Gateway District, the access way shall be on a side street at the rear of the property, no less than 30 feet from the corner, unless this is physically not possible.

(Ord. 1968, 9/8/2003, §605)

SECTION 606. Accessory Parking Lots.

1. Parking lots as accessory uses to provide required parking spaces may be located on a land parcel separate from the building or use it serves. All required parking spaces shall be:
 - A. Within 200 feet of the primary use parcel for residential uses

- B. Within 400 feet of the primary use parcel for non-residential uses.

(Ord. 1968, 9/8/2003, §606)

SECTION 607. Shared Parking Lots.

1. Multiple buildings or uses may share parking lots to meet the required parking spaces of this Part, provided the lot is owned by one or more of the users.
2. Before a parking lot may serve multiple users, a formal written agreement shall be signed by all the parties containing a site plan and the number of spaces to be allocated to each user. A copy of this agreement shall be kept on file by the Zoning Officer, who may revoke the zoning permits of the users if the agreement is not maintained.
3. In order to encourage the maximum use of Pottstown's parking lots, the following rules will govern:
 - A. If the applicants combine residential uses with non-residential uses having normal business hours between 8 a.m. and 6 p.m., each space may be counted for both uses.
 - B. If the applicants can demonstrate to the satisfaction of the Borough that the peak business hours for each use are substantially different, such as an office having daytime hours combined with a restaurant having peak use in the evening, each space may be counted for both uses.
 - C. If the applicants' business hours are substantially the same, or if the applicants are all residential uses, the total spaces required shall be the total of all proposed uses.
4. Parking requirements to be satisfied by applicants who lease spaces from the Borough, either as on-street parking or on Borough parking lots, for use by residents from 5:00 p.m. to 8:00 a.m. weekdays and Saturdays, and all day Sunday. In predominately residential areas, applicants may lease on-street parking spaces from the Borough for daytime use. Applicants may also lease spaces from private parking lot operators.

(Ord. 1968, 9/8/2003, §607; as amended by Ord. 1985, 10/12/2004, §3)

SECTION 608. Off-Street Loading Areas.

All uses requiring regular shipments and deliveries shall provide sufficient off-street areas for the standing, turning, loading and unloading of trucks so that the parking and maneuvering of trucks on public streets will be avoided.

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(Ord. 1968, 9/8/2003, §608)

SECTION 609. Parking Lots in Conservation, Gateway Districts.

Background: Pottstown's downtown and most of its traditional neighborhoods were constructed in the era before automobiles were invented or became widely used. Pottstown's development pattern of closely spaced buildings, often placed up against the street, give it the distinct neighborhood feel and identity it enjoys today. To retain that special feel in the automobile era, Pottstown needs to accommodate cars without demolishing buildings or otherwise destroying the character of its downtown and residential neighborhoods.

1. Design guidelines: Where it is physically possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of a building, but in no case shall the parking area be wider than 50% of the lot frontage, and in no case shall parking be located in front of a building. Parking shall not be placed to the side of a building adjacent to a street unless there is no other feasible alternative. See drawing below: (On file at the Borough Office)
2. Design guidelines: Whenever a parking lot abuts a street, it shall be screened by a four foot tall fence constructed of wood, vinyl designed to look like wood, brick, stone, stucco over concrete block (capped with brick, slate or stone), or ornamental iron (or ornamental aluminum, steel or vinyl designed to look like iron).

Although hedges and other landscaping are encouraged, they may not substitute for a fence or wall. For landscaping requirements, see the Land Development Ordinance [Chapter 22], Section 508. (Additional photos on file at Borough Office).

(Ord. 1968, 9/8/2003, §609)

Part 7

Signs

All illustrations of the following sign definitions are on file at the Borough Office.

SECTION 700. Intent.

1. The Borough recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Part to:
 - A. Set standards and provide controls that permit reasonable use of signs and enhance the character of the Borough.
 - B. Encourage sign design that builds on the traditional town image and visual environment the Borough seeks to promote.
 - C. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.

(Ord. 1968, 9/8/2003, §700)

SECTION 701. Conformance Required.

From the effective date of this Chapter, any sign erected shall conform to the provisions of this Part and any other ordinance or regulations of the Borough of Pottstown that relate to it.

(Ord. 1968, 9/8/2003, §701)

SECTION 702. Definitions.

Words and phrases used in this Part shall have the meanings defined in this Part. Words and phrases not defined in this Part but defined elsewhere in this Chapter shall be given the meanings set forth in the Definitions Section.

Abandoned Sign – A sign which no longer identifies or advertises an existing business, leased, service, owner, product, or activity, and/or for which no legal owner can be found. Prohibited

Architectural Detail – Decorative elements of a building facade such as cornices, lintels, brackets, fishscale shingles, columns, fluting, and quoins that give the building its character.

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Eave line – The lower border of the roof where it joins with the facade.

Erect – To build, construct, attach, hang, place or suspend, which shall also include the painting of wall signs or other graphics.

Facade – The exterior surface of a building up to the eave line.

Premises – A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established in accordance with zoning.

Double-Faced Sign – A sign with two identical faces of equal sign area which are back to back.

Legally Non-Conforming Sign – Any existing sign:

1. Located on a premises in the borough with a permitted use, and
2. Legally erected prior to the adoption of this Part, and
3. Does not meet the provisions of the current ordinance.

Sign – a name, identification, image, description, display, or illustration that:

- Is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land
- Directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business
- Is visible from any street, right-of-way, sidewalk, alley, park, or other public property.

Sign Area – The area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed. "Sign area" excludes any supporting framework and bracing, provided that it does not contain any lettering, wording, designs or symbols. For the purpose of this Part, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face (defined hereafter).

In the case of cylindrical signs, signs in the shape of cubes, or other signs which are essentially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in the computation of area.

1. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area.

2. Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.

Sign Face – The part of a sign that is or can be used to identify, advertise and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

Sign Height – The distance from the highest portion of the sign, including all structural elements, to mean grade.

Sign Structure – A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

Temporary Sign – A sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Types of Signs – Signs are defined by form and by purpose. Purpose refers to the type of message contained in the sign. Form refers to the physical sign itself.

Signs as defined by purpose: The type of message contained in the sign

Address Sign – A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

Artisan Sign – Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for painting or construction on the site where the sign is placed.

Civic Event Sign (On premises) – A non-commercial temporary sign, posted to promote and advertise an activity sponsored by the Borough, school district, church, public agency, civic or charitable association or other similar noncommercial organization on the premises where the event is to be held.

Civic Event Sign (Off premises) – A non-commercial temporary sign posted off premises to promote and advertise an activity sponsored by the Borough, school district, church, public agency, civic or charitable association or other similar non-commercial organization.

Development Sign – A temporary sign indicating that the premises is in the process of subdivision or development.

Directory Sign – A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business

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campuses, and similar large complexes which have a variety of tenants and/or uses.

Directional Sign – An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

General purpose Sign – A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered on the premises where the sign is displayed.

Government/Regulatory Sign – Any sign to control traffic or for identification, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

Home Occupation Sign – A sign which designates home occupations as permitted in this Chapter.

Incidental Sign – A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards; signs on automatic teller machines, gas pumps, vending machines; or newspaper delivery boxes.

Instructional Sign – A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.

Memorial Sign – A memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

Personal expression sign – Any sign that expresses an opinion, interest, or position (not including political signs).

Political Sign – A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public.

Public Interest Sign – A sign on private property that displays information pertinent to the safety or legal responsibilities of the public such as warning and "no trespassing" signs.

Real Estate Sign – A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

Time/Temperature Sign – A display containing illuminated numerals flashing alternately to show the time and the temperature. May be a wall sign, projecting sign, or freestanding sign.

Yard sale sign – A temporary sign advertising a yard or garage sale.

Signs as defined by form: The physical structure of the sign

Animated Sign – A sign with action or motion, flashing, color changes requiring electrical energy, but not including wind-actuated elements such as flags, banners or specialty items. Prohibited

Awning Sign – Any sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects from it.

Banner – A sign consisting of lightweight, flexible material, which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

Beacon Light – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object. Prohibited

Canopy (Freestanding) – A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

Flashing Sign – A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs that indicate the date, time and temperature, are not be considered flashing signs. Prohibited

Freestanding Sign – A sign and supporting structure that is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:

1. Ground Sign – A sign designed to be viewed at eye level. The bottom of the sign is no more than three feet from the ground.
2. Pole Sign – A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

Illuminated Sign – A nonflashing or nontwinkling sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source as a part of the sign.

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Interior Sign – Any sign located fully within the interior of any building or stadium that is intended solely for information relating to the operation of such building or stadium.

Marquee Sign – Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment. Permitted as a Conditional Use.

Movable Sign – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames. This definition does not include sandwich board signs. Prohibited.

Mural – Artwork applied to the wall of a building, which covers all or most of the wall and depicts a scene or event of natural, social, cultural, or historic significance. Permitted as a Conditional Use.

Neon Sign – Any sign composed of glass tubing containing a large proportion of neon gas. A neon sign may be a wall sign, a projecting sign, or a window sign.

Off-Premises Sign – Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

On-Premises Sign – A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

Pennants – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Projecting Sign – A sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall. A projecting sign may not extend more than 4 feet from a wall and must clear the sidewalk by at least 10 feet.

Revolving Sign – A sign which revolves in a circular motion rather than remaining stationary on its supporting structure. Prohibited

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. Prohibited

Sandwich Board – A movable sign consisting of two faces, connected and hinged at the top.

Vehicular Sign – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business on which the vehicle sits, or is otherwise not incidental to the vehicle's primary purpose. Prohibited

Wall Sign – Any sign erected against the wall of a building or displayed on doors or fences that does not protrude more than 12 inches from the wall, window, or door. A wall sign may not extend beyond the eave line or parapet of the roof line.

Window Sign – Any sign placed upon the outside or inside of a window, not extending beyond 12 inches of the surface of the window, facing the outside.

Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

- A. Permanent – Any sign painted or pasted on a window.
- B. Temporary – Any paper or cardboard sign that is taped or pressed against a window. Any sign attached to the inside of a window that is suspended from a string, hook, or wire.

(Ord. 1968, 9/8/2003, §702)

SECTION 703. General Regulations.

The following restrictions and regulations shall be applicable to all signs unless otherwise specified:

1. Materials: All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone or other material as determined by the Borough which has the general appearance of structures composed primarily of wood, metal or stone with painted, engraved or raised messages. Sign materials should compliment the original construction materials and architectural style of the building facade on which they are to be displayed. If plywood is used, medium density overlay shall be used as a minimum grade. Bare plywood is prohibited.
2. Color: In selecting the principal colors for a sign, colors that compliment the color of the building should be used.
3. Illumination: Internally illuminated signs are not permitted in Historic Districts. See Section 711.

Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:

1. Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.
2. With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of

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the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect are permitted.

3. Permits for illuminated signs will not be issued without an approved electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the most recently published BOCA Electrical Code.
4. Electrical connections: The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables. Applications for electrical permits shall be filed at the time of the sign permit application.
5. Nuisance: No sign shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particle emission or odors.
6. Sign removal: Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60-day period.
7. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Pottstown building code.
8. All signs and sign structures shall be kept in good repair and in a presentable condition, so that all sign information is clearly legible. Any sign found by the Zoning Officer to show deterioration, including rust, faded colors, discoloration, holes and missing parts or informational items, shall constitute a violation of this Part.
9. No sign or structure shall be placed in the public right-of-way except for permitted sandwich boards, projecting signs, and civic event signs as provided for in this Part.

(Ord. 1968, 9/8/2003, §703)

SECTION 704. Prohibited Signs.

It shall be unlawful for any person, firm or corporation to erect any sign in the Borough unless it is specifically permitted in this Part. Unlawful signs include, but are not limited to:

1. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
2. Signs attached to rocks, utility poles, parking meters, traffic signposts, traffic signals or control devices, street signs, or historical markers.

3. Signs attached to trees, shrubs or any living vegetative matter.
4. Any sign, outside of the heavy manufacturing district, which advertises or publicizes an activity or business not conducted on the premises, except civic event signs.
5. Signs erected without the permission of the property owner or authorized agent.
6. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
7. Animated signs, except time and temperature signs.
8. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
9. Vehicular signs.
10. Abandoned signs.
11. Signs that exhibit statements, words or pictures of obscene or pornographic subjects.
12. Flashing signs, except for the time and temperature portion of a sign. Beacon lights.
13. Revolving signs.
14. Tethered balloons, filled either by gas or heated air.
15. Roof signs.
16. Wall signs that cover windows or architectural detail.
17. Pennants longer than 150% of the street frontage of the premises.
18. Signs with reflective backgrounds.

(Ord. 1968, 9/8/2003, §704)

SECTION 705. Permits Required.

Unless otherwise provided by this Part, all signs shall require permits and payment of fees as described in Section 710. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this Section, "maintenance" shall include any repainting of a sign that does not otherwise change its message or appearance.

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(Ord. 1968, 9/8/2003, §705)

SECTION 706. Exempt Signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a zoning district, subject to the restrictions in Section 712.

1. Government/Regulatory signs.
2. Real estate signs.
3. Political signs.
4. Public interest signs.
5. Memorial signs.
6. Yard sale signs.
7. Address signs.
8. Interior signs.
9. Incidental signs.
10. Civic Event signs on premises.
11. Personal expression signs.
12. Pennants as permitted in this Article. Pennants may only be used on a non-residential premises.
13. Artisan signs.
14. Home occupation signs smaller than 2 square feet.

(Ord. 1968, 9/8/2003, §706)

SECTION 707. Conditional uses.

The following signs shall be allowed as conditional uses:

1. Murals

2. Marquee signs

Borough Council shall ensure the proposed sign is appropriate to the style, period, type, size and scale of the building for which it is proposed. Council shall weigh testimony from other property owners in the vicinity regarding the merits of the sign. Council shall weigh whether the sign will enhance the traditional town character of Pottstown or detract from it in determining whether the sign shall be permitted.

(Ord. 1968, 9/8/2003, §707)

SECTION 708. Signs on the Premises of Legally Non-conforming Uses.

Signs on the premises of legally non-conforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued. If a sign wears out or is damaged, or is changed for any other reason, the number, size and area of all signs relating to the premises shall not be increased beyond the size they were at the time this Part was adopted.

(Ord. 1968, 9/8/2003, §708)

SECTION 709. Regulation of Legally Non-conforming Signs.

1. If a legally non-conforming sign lists more than one business, new businesses may be added without affecting the non-conforming status of the sign. However, the sign may not be altered in any way that extends the sign's non-conformity in any manner.
2. Nothing in this Part shall relieve the owners or users of legally non-conforming signs, or the owners of the property on which legally non-conforming signs are located, from any provisions of this Part regarding the safety, maintenance, and repair of signs.
3. Should 50 percent or more of any legally non-conforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Part.
4. Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60-day period.
5. The existence of a legally non-conforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this Part. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this Part.

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6. A legally non-conforming sign shall immediately lose its legally non-conforming designation if the sign is altered in any way. At that point, the sign shall be immediately brought into compliance with this Part and a new permit secured, or the sign shall be removed.

(Ord. 1968, 9/8/2003, §709)

SECTION 710. Permits.

1. It shall be unlawful for any person, firm or corporation to erect, alter, repair or relocate any sign within the Borough of Pottstown without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements.
2. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information where relevant:
 - A. Names, address, telephone number and signature of the owner or duly authorized agent for the property owner.
 - B. Name, address, telephone number and signature of the owner of the sign.
 - C. Name, address and telephone number of the sign contractor.
 - D. Property address and applicable zoning district.
 - E. If the sign is located in a Historic District, confirmation that an application has been submitted to the Historic Architectural Review Board.
 - F. Two copies of a plan drawn to scale depicting:
 1. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
 2. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 3. Sign Message.
 4. Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage.
 5. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

- G. A permit fee, to be established from time to time by Resolution of Borough Council, shall be paid.
- H. A \$500 deposit shall be posted for off-premises Civic Event signs to ensure their removal within 72 hours after the event. A list of locations of the signs shall be provided with the deposit. The deposit will be returned after the Zoning Officer has certified the signs have been removed.
- I. Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Borough.

(Ord. 1968, 9/8/2003, §710)

SECTION 711. Special Regulations for Signs in Historic Districts.

In addition to all other requirements of this Part, the following regulations shall be applicable to any sign placed in a Historic District:

- 1. No sign shall be erected or altered until an application for a Certificate of Appropriateness has been reviewed and approved by the Pottstown Historic Architectural Review Board and after Borough Council has issued a Certificate of Appropriateness. The Review Board shall ensure the proposed sign is appropriate
 - A. to the style, period, type, size and scale of the building for which it is proposed
 - B. with other signs in the district.
- 2. In addition to all other applicable requirements of this Part, the following regulations shall apply to any sign placed in a Historic District: (Sample illustrations on file at Borough Office).
 - A. All applications for a Certificate of Appropriateness must contain the following information:
 - 1. A current color photograph of the property.
 - 2. An illustration of the building facade showing the proposed sign.
 - 3. A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering and method of attachment. Material samples may be required.
 - 4. For ground signs, a site plan indicating the location of the sign.
 - 5. The type of illumination.

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(Ord. 1968, 9/8/2003, §711)

SECTION 712. Sign Uses and Restrictions.

How to use the chart on the next page:

1. Determine what kind of sign you would like to erect, in terms of its Purpose (see definitions, Section 702).
2. Look for that particular sign in the third column.
3. The fourth column shows what Form (physical structure) is permitted for each type of purpose sign.
(For definitions of signs by form, see Section 702.)
4. The fifth column shows Restrictions and Guidelines as to the size, height, placement, and other aspects of each sign. Restrictions are mandatory. Guidelines, denoted with an asterisk ‡, are advisory.

EXAMPLE: An artisan sign (defined in Section 702) is permitted in all zoning districts, on any kind of premises, in the form of either a freestanding sign or a wall sign (see definitions). The maximum area of the sign is 8 square feet and the maximum height is 6 feet. It may not be illuminated, it may not be erected until work begins, and it must be removed when work ends.

The chart on this page shows the kinds of signs permitted in all zones, on any kind of premises.

Zone	Permitted Use	Purpose	Form	Restrictions and Guidelines
All Zones	All uses	Government Regulatory	Freestanding	Maximum area: 8 square feet
			Wall	Maximum height, freestanding; 6 feet May not be erected until work begins and must be removed as soon as work ends Non Illuminated
		Development	Banner	Maximum area: 6 square feet
			Freestanding-ground	Maximum 1 sign for each street premises faces
			Wall	Maximum height, freestanding: 6 feet Non illuminated
				Must be removed when project is 90% complete

Zone	Permitted Use	Purpose	Form	Restrictions and Guidelines
		Directional	Freestanding	Maximum area: 6 square feet Maximum height: 4 feet
		Direction	Wall	Maximum area: 6 square feet Maximum height: 8 feet
		Memorial	Wall	Maximum one sign Maximum area: 2 square feet Non illuminated
		Personal expression	Wall	Maximum 1 sign
	Banner		Maximum area: 8 square feet	
	Freestanding Window/temp		Maximum height, freestanding: 8 feet Non illuminated	
		Public Interest	Wall	Maximum area: 2 square feet
		Political	Freestanding	Maximum height: 7 feet Minimum spacing: 100 feet apart Non illuminated
			Wall	Maximum 2 signs per premises
			Window/temp	Maximum size: 4 square feet May not be erected more than 2 months before election and must be removed within 7 days after election. Non illuminated
		Real Estate	Freestanding	Maximum height, freestanding: 6 feet
			Banner	Maximum 2 signs per premises
			Freestanding-ground	Maximum size: 6 square feet
			Projecting Wall	Maximum height, freestanding: 6 feet
			Window/temp	Must be removed within 72 hours of settlement Non illuminated

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How to use the chart on this page:

1. Determine the zoning district in which your premises is located (Zone, first column).
2. Determine the use of your premises, such as single family residential, commercial, professional office (Permitted use, second column).
3. Determine what kind of sign you would like to erect, in terms of its Purpose (see definitions, Section 702.)
4. Look for that sign in the third column (Purpose).
5. The fourth column shows what Form (physical structure) is permitted for each type of purpose sign.
(For definitions of signs by form, see Section 702.)
6. The fifth column shows Restrictions and Guidelines as to the size, height, placement, and other aspects of each sign. Restrictions are mandatory. Guidelines, denoted with an asterisk ‡, are advisory.

EXAMPLE: An address sign (purpose sign as defined in Section 702) is allowed for a single family residential premises, in any zoning district, but only in the form of a wall sign or a projecting sign (defined in Section 702) with a maximum area of 2 square feet.

The chart below shows the address signs and civic event signs that are permitted.

Zone	Permitted Use	Purpose	Form	Restrictions and Guidelines
All Zones	Single-family residential	Address	Wall Projecting	Maximum area: 2 square feet
	Multi-family residential	Address	Awning Canopy	Maximum area: 10 square feet
Non-residential			Freestanding	Maximum height, free-standing; 6 feet
			Projecting	
			Wall	
Non-residential		Civic Event	Banner Windows/temp	May not be erected more than 30 days before event and must be removed within 72 hours after event

The chart below shows the signs permitted in the Neighborhood Residential District.

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
Maximum 1 sign per premises for each street the premises faces				
Freestanding signs on each premises must be spaced at least 100 feet apart				
Neighborhood Residential	Residential	Home Occupation	Freestanding Projecting Wall	Maximum area: 6 square feet Maximum height, free-standing: 6 feet Non illuminated
		Multi-family dwellings	General purpose	Awning Canopy
Freestanding	Maximum area: 24 square feet Maximum height: 6 feet			
Institutional	General purpose		Banner Wall	Maximum area: 24 square feet
		Awning Canopy Freestanding	Maximum area: 24 square feet Maximum height: 6 feet	
		Projecting Wall Window	Maximum area: 10 square feet May not exceed 25% of glass area	

How to use the following three charts:

1. Determine the zoning district in which your premises is located (Zone, first column).
2. Determine the use of your premises, such as residential, professional offices (Permitted use, second column).
3. Determine what kind of sign you would like to erect, in terms of its Purpose (see definitions, Section 702.)
4. Look for that particular sign in the third column (Purpose).
5. The fourth column shows what Form (physical structure) is permitted for each type of purpose sign.
(For definitions of signs by form, see Section 702.)
6. The fifth column shows Restrictions and Guidelines as to the size, height, placement, and other aspects of each sign. Restrictions are mandatory. Guidelines, denoted with an asterisk ‡, are advisory.

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EXAMPLE: In an office-residential district, a general purpose sign (Purpose sign defined in Section 702) is allowed for multi-family dwellings in the form of an awning, canopy, freestanding, banner or wall sign. The borough encourages, but does not require, property owners to limit these signs to 24 square feet or less in area. If a sign is freestanding, the maximum height is 6 feet. Only one sign may be used for each street the building faces. If the premises has 60 feet of street frontage, the maximum allowable size for all signs combined is 60 square feet.

The chart below shows the signs permitted in the Traditional Town Neighborhood District.

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines	
Maximum 1 sign per premises for each street the premises faces					
Maximum sign area for general purpose signs is one square foot for each foot of street frontage					
Freestanding signs on each premises must be spaced at least 100 feet apart					
Traditional Town Neighborhood	Residential	Home Occupation	Freestanding	Maximum area: 6 square feet	
			Projecting	Maximum height, free-standing: 6 feet	
			Wall	Non illuminated	
	Multi-family dwellings	General	Awning	Maximum area; 24 square feet‡	
			Canopy		
			Banner		
			Wall		
			Freestanding		Maximum area: 24 square feet‡
					Maximum height: 6 feet
Institutional Professional offices	General purpose	Awning	Maximum area: 24 square feet‡		
		Canopy			
		Banner		Maximum area: 24 square feet‡	
		Freestanding		Maximum height: 6 feet	
		Projecting		Maximum area: 10 square feet	
		Wall		Maximum area: 24 square feet‡	
	Window	May not exceed 25% of glass area			

The charts below show the signs permitted in the Neighborhood Business, Downtown, and Gateway districts.

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
Maximum 3 signs				
Maximum area of all signs combined: 3 square feet for each 10 feet of street frontage, up to a maximum of 40 sq. feet				
Neighborhood business	Multi-family dwellings	General purpose	Awning	Maximum area: 24 square feet
			Canopy	
			Freestanding	Maximum area: 24 square feet Maximum height: 6 feet
	Institutional	General purpose	Awning	Maximum area: 10 square feet
			Canopy	
			Banner	Maximum area: 32 square feet
			Freestanding	Maximum height: 6 feet
	Retail and direct service stores	General purpose	Projecting	Maximum area: 15 square feet
			Wall	
			Window	May not exceed 25% of glass area
Awning			Maximum area: 24 square feet‡	
Canopy				
		General purpose	Banner	Maximum area: 15 square feet‡
			Freestanding – ground	Maximum area: 24 square feet‡ Maximum height: 7 feet
			Freestanding-pole	Maximum area: 30 square feet‡ Maximum height: 14 feet

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Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
			Projecting	Maximum area: 15 square feet‡
			Wall	Maximum area: 24 square feet‡
			Sandwich	Maximum area: 8 square feet
			Board	Must not impede pedestrian traffic
				May only be displayed during business hours
			Window	May not exceed 25% of glass area
Maximum 2 signs per premise				
Maximum 3 signs for premises fronting more than one street				
Maximum area of all signs combined: 1 square foot for each foot of street frontage				
Downtown	All uses	General purpose	Awning	Maximum area: 24 square feet‡
Gateway			Canopy	
			Banner	Maximum area: 15 square feet‡
			Freestanding – ground	Must have at least 30 feet street frontage
				Maximum area: 15 square feet‡
				Maximum height: 6 feet‡
			Freestanding – pole	Must have at least 30 feet street frontage
				Maximum area: 24 square feet‡
				Maximum height: 14 feet‡
			Projecting	Maximum area: 15 square feet

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
			Sandwich board	Maximum area: 8 square feet May not impede pedestrian traffic May only be displayed during business hours
			Wall	Maximum area: 30 square feet‡
			Window	May not exceed 25% of glass area

The charts below show the signs permitted in the Highway Business, Flex-Office and Heavy Manufacturing districts.

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
Highway Business	Shopping Center with more than one use on premises	General purpose	Freestanding	Maximum area: 1 square foot for each 2 feet of street frontage up to a maximum of 350 square feet‡ Maximum height: 24 feet, or 24 feet above grade of nearest street, whichever is higher
Highway Business	Individual businesses within shopping center	Maximum 3 signs Maximum area of all signs combined: 70 square feet‡ General purpose	Awning Canopy Banner Freestanding – ground	Maximum area: 24 square feet‡ Maximum height: 7 feet

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Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
			Freestanding – pole	Maximum height: 14 feet, or 14 feet above grade of nearest street, whichever is higher
			Sandwich board	Maximum area: 8 square feet Must not impede pedestrian traffic May only be displayed during business hours
			Wall	
			Window	May not exceed 25% of glass area
	All other uses	Maximum 3 signs		
		Maximum area of all signs combined: 70 square feet‡		
		General Purpose	Awning	Maximum area: 24 square feet‡
			Canopy	
			Banner	
			Freestanding – ground	Maximum height: 7 feet
			Freestanding – pole	Maximum height: 20 feet, or 20 feet above grade of nearest street, whichever is higher
			Sandwich board	Maximum area: 8 square feet Must not impede pedestrian traffic May only be displayed during business hours
			Wall	
			Window	May not exceed 25% of glass area

Maximum area of all signs along one side of a street per 500 feet of frontage: 150 square feet

Zone	Use of premises	Purpose	Form	Restrictions and Guidelines
Flex-Office		Directory	Awning	
Heavy Manufac- turing		General Purpose	Canopy	
			Banner	100 square feet
			Freestanding – ground	Maximum area: 75 square feet Maximum height: 12 feet
			Freestanding – pole	Maximum area: 75 square feet Maximum height: 20 feet
			Projecting Wall	
			Window	May not exceed 25% of glass area
Heavy manufac- turing	Adult entertain- ment	General purpose	Wall	1 sign per prem- ises
			Freestanding	Sign may only identify name of establishment and hours of operation Maximum area: 40 square feet Maximum height: 12 feet
Heavy manufac- turing		Off premises (In- cluding Bill- boards)	Freestanding	Maximum area: 75 square feet Maximum height: 18 feet Minimum setback: 15 feet from right of way Min. separation: 500 feet along one street

(Ord. 1968, 9/8/2003, §712)

Part 8

Non-conformities

SECTION 800. Non-conformities.

Intent – Within Pottstown's zoning districts there are various uses of land and structures that were legal before this Chapter was adopted, but would be prohibited or restricted under this Chapter. The Borough believes Pottstown would be better off without these non-conforming uses, so they are permitted only until such time as they are terminated by obsolescence, destruction, abandonment, or similar factors.

Meanwhile, this Chapter is designed to restrict, rather than increase, these non-conformities and to eliminate them as soon as possible.

(Ord. 1968, 9/8/2003, §800)

SECTION 801. Continuation of Use.

A use or structure which is non-conforming, as defined in Section 800, at the time this Chapter and subsequent amendments become law, may be continued except as otherwise set forth in these Sections.

(Ord. 1968, 9/8/2003, §801)

SECTION 802. Regulation of Nonconforming Uses.

Any nonconforming use, building or structure may be enlarged by not more than 10 percent of its floor and/or use area as it existed at the time of passage of this Chapter; provided that the lot or lots were in single ownership and purchased prior to the enactment of this Chapter. Any such enlargement shall conform to all regulations of the district where it is located. This provision may be used only once for each zoned lot.

(Ord. 1968, 9/8/2003, §802)

SECTION 803. Repairs and Maintenance.

1. Normal maintenance repairs and incidental alterations of a structure containing a non-conforming use are permitted provided they do not extend the area or volume of space occupied by the nonconforming use.
2. Residential non-conforming uses may be altered to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

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(Ord. 1968, 9/8/2003, §803)

SECTION 804. Restoration of Damaged Non-conforming Uses.

1. Non-conforming structures damaged or destroyed by fire, explosion, accident or other calamity (as contrasted to deterioration because of time or neglect) may be constructed and used as before; provided, that:
 - A. The reconstruction building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth and volume.
 - B. Building construction shall be started within six months from the date the building was damaged or destroyed, and shall be carried out without interruption, and shall be completed within one year of the date the building was damaged or destroyed.
2. Non-conforming structures which have been condemned by the Pottstown Zoning Officer shall not be rebuilt or used except in conformance with this Chapter.

(Ord. 1968, 9/8/2003, §804)

SECTION 805. Termination and Abandonment.

1. When any non-conforming structure or use is replaced by a conforming use or by a use more nearly conforming with the regulations of the district in which it is located, the former nonconformity shall be considered abandoned immediately and cannot be revived.
2. Failure to exhaust all lawful means to appeal the denial of a permit to continue the prior use, a parallel use, or a less restrictive use, as defined by this Chapter, within the time limits prescribed by law, shall constitute immediate and voluntary abandonment. The subject structure or use shall not be used thereafter except in conformity with the regulations of the district in which it is located.
3. Voluntary discontinuance of a non-conforming structure or use shall be considered an admission by its owner that such non-conformity no longer is considered to have value and thereafter dispenses with the need for its further protection, except as provided otherwise herein. In addition to the circumstances mentioned above, the following, alone or in combination, shall be held to be evidence of voluntary abandonment;
 - A. The removal of furniture, equipment and/or machinery and the leaving of the property to the elements.

- B. Failure to apply for permits and licenses necessary for the continuance of such nonconforming building, structure or use.
- C. Cessation of a non-conforming use for 12 consecutive months.

(Ord. 1968, 9/8/2003, §805)

SECTION 806. Cessation of Use Excused.

The following shall excuse a cessation of use:

1. War and the consequent restrictions imposed upon use by governmental authority, or the entry of the operator of the non-conforming use into the armed services.
2. Inability of the owner to find a tenant desirous of using the premises, despite active attempts to do so, for a purpose permissible as a non-conforming use. Should a letter of intent for the sale or rental of such non-conforming use of land be submitted to the Zoning Officer prior to the expiration of the 12 month limit, an additional 12 month grace period shall be given. Failure of the owner to submit such a letter shall be held to be voluntary abandonment as in Section 807 listed above. At the expiration of the second 12 month period, the use and any vested rights shall be considered abandoned voluntarily.

(Ord. 1968, 9/8/2003, §806)

Part 9

Zoning Hearing Board

SECTION 900. Zoning Hearing Board – Jurisdiction.

The Pottstown Zoning Hearing Board is created by this Chapter to help ensure it is administered fairly and equitably.

The board shall hear any appeals of determinations by the Zoning Officer. It may also grant relief in the form of a variance if the literal enforcement of this Chapter causes undue hardship in certain situations. In some circumstances, the Zoning Hearing Board shall also hear challenges to the validity of this Chapter and hear applications for Special Exceptions.

DETAILS. For a detailed exposition of this Part, see Zoning Appendix A9, Sections A900 through A910, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §900)

SECTION 901. Zoning Hearing Board – Membership.

1. The Pottstown Zoning Hearing Board shall consist of three residents of the Borough appointed by Pottstown Council.
2. The Zoning Officer shall serve as secretary of the Board.
3. Borough Council may appoint, by resolution, at least one, but no more than three, Borough residents to serve as alternate members of the Board. If for any reason the Zoning Hearing Board lacks a quorum, the Chairman of the Board shall appoint alternate members as needed to create a quorum. These members shall participate in all proceedings and discussions of the Board until the matter for which they were appointed is resolved.

(Ord. 1968, 9/8/2003, §901)

SECTION 902. Applications.

1. Applications to the Zoning Hearing Board may be made in the following matters:
 - A. Request for a variance to this Chapter
 - B. An interpretation of a ruling of the Zoning Officer
 - C. Special exceptions, where provided for in this Chapter

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- D. Appeals from enforcement notices
- 2. Variances may be requested by property owners or tenants, with the property owner's permission, for the property they own or rent. Appeals of a ruling of the Zoning Officer may be made by any affected resident or property owner, even if he does not own the property in question.
- 3. The application shall be made on a form prepared by the Zoning Hearing Board that will include:
 - A. The ownership of the property involved
 - B. The dimensions of the property
 - C. The reasons for the application
 - D. Supporting documentation
- 4. The Zoning Officer shall forward the application, which is subject to a fee set by Borough Council, to the Zoning Hearing Board.

(Ord. 1968, 9/8/2003, §902)

SECTION 903. Time limitation.

- 1. No person shall be allowed to file an appeal with the Board later than 30 days after an application for development, either preliminary or final, has been approved by an appropriate Borough officer or body.
- 2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
- 3. After a permit has been authorized by the Zoning Hearing Board, a permit must be applied for within 12 months or the authorization expires. If the application fails to comply with the conditions of the authorized permit within 12 months, the authorization expires.

(Ord. 1968, 9/8/2003, §903)

SECTION 904. Hearings – Notification.

- 1. Within 60 days of an applicant's request, the Zoning Hearing Board shall conduct properly advertised public hearings, which includes:
 - A. Placing notices in a newspaper of general circulation.

- B. Mailing a notice to the property owner, and, at the discretion of the Zoning Officer, to the occupant of every property within 300 feet of the lot in question.
- C. Giving notice to the appellant, Zoning Officer, Planning Commission, and Borough Council.
- D. Mailing a notice to every resident who has formally registered interest in the case.
- E. Posting a notice conspicuously on the affected tract of land at least one week in advance of the hearing.

(Ord. 1968, 9/8/2003, §904)

SECTION 905. Hearings – Procedures.

1. For the conduct of any hearing and making a decision, a quorum shall be not less than a majority of all members of the Board. If for some reason there are not enough members for a quorum, the chairman of the Zoning Hearing Board shall appoint one or more alternates to achieve a quorum.
2. The parties to any hearing shall be:
 - A. The Borough
 - B. The applicant
 - C. Any person affected by the application who has formally asked to appear in the matter
 - D. Any person, including civic organizations, permitted to appear by the Board
3. The parties shall have the right to be represented by counsel and shall be allowed to respond, to present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.
4. Formal rules of evidence shall not apply, but evidence that is irrelevant, immaterial, or unduly repetitious may be excluded.
5. The chairman or acting chairman shall have the power to administer oaths and issue subpoenas and to compel the attendance of witnesses. This power extends to requiring the production of relevant documents and papers including witnesses and documents requested by the parties.
6. The Board shall keep a stenographic record of the proceedings, the cost of which shall be shared equally by the applicant and the Board.

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7. The Board shall not communicate with any party or representatives in connection with any issue involved, unless all parties are given a chance to participate. The Board shall not visit the site with any one party.
8. The Board shall issue a written decision within 45 days after the last hearing before the Board. If no decision is needed, written findings will be issued.
9. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based on the findings of fact. Conclusions based on this Chapter or any other law shall include a reference to the appropriate provisions.
10. A decision or findings by the Board shall be by a majority of the members. A tie vote shall be deemed a denial of appeal.
11. When the Board fails to render a decision within the period required by this Chapter, and/or fails to hold the required hearing within 60 days of the filing of the application, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant formally gives an extension.
12. A copy of the final decision, or if no decision is needed, the findings of fact, shall be mailed to the applicant after the decision is made. Other parties shall receive a brief notice of the decision, or findings, and a statement identifying the place where the full decision may be reviewed.

(Ord. 1968, 9/8/2003, §905)

SECTION 906. Variances.

1. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided all of the following findings are made (where relevant) in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. That the unnecessary hardship is due to these conditions and not the circumstances or conditions created in the neighborhood or district in which the property is located.
 - B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter, and that a variance is necessary to allow the reasonable use of the property.

- C. That the hardship has not been created by the appellant or his predecessors.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor impair substantially or permanently the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation involved.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code and this Chapter.

(Ord. 1968, 9/8/2003, §906)

SECTION 907. Procedure to Obtain a Preliminary Opinion.

1. In order not to delay unreasonably the time when a landowner may secure assurance that the Ordinance or map under which he proposes to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time any challenge to the Ordinance or map will be filed:
- A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development, and provide a sufficient basis for a preliminary opinion as to its compliance.
 - B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall include:
 - 1. A general description of the proposed use or development and its location
 - 2. The place and times where the plans and other materials may be examined by the public.

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- C. The favorable preliminary approval and the time specified in them for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

(Ord. 1968, 9/8/2003, §907)

SECTION 908. Validity of Ordinance – Substantive Questions.

1. A landowner who, on substantive grounds, desires to challenge the validity of this Chapter or any other ordinance or map or any provision of an ordinance that prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - A. To the Zoning Hearing Board
 - B. To Borough Council together with an amendment that will cure the alleged defect.

(Ord. 1968, 9/8/2003, §908)

SECTION 909. Appeals to Court.

Nothing in this Chapter shall be construed to deny an appellant the right to proceed directly to court where appropriate under state law.

(Ord. 1968, 9/8/2003, §909)

Part 10

Appeals

SECTION 1000. Appeals.

Appeals to Court shall be in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

(Ord. 1968, 9/8/2003, §1000)

Part 11

Enforcement

SECTION 1100. Enforcement by Zoning Officer.

A Zoning Officer, who shall hold no elective office in the Borough, shall be appointed by Council and may be removed at the will of Council. Council may designate an employee as the Officer's deputy who shall exercise all the powers of the Zoning Officer during his absence or temporary disability.

The provisions of this Chapter shall be administered and enforced by the Zoning Officer in accordance with its literal terms. In no case shall a permit be granted for construction, use, or change of use that does not conform to this Chapter. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of this Chapter.

All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in this Chapter.

(Ord. 1968, 9/8/2003, §1100)

SECTION 1101. Right of Entry.

In the discharge of his duties, the Zoning Officer shall have the authority to enter, at any reasonable hour, any structure or land in the Borough to enforce the provisions of this Chapter.

(Ord. 1968, 9/8/2003, §1101)

SECTION 1102. Causes of Action.

1. In case any building is proposed to be constructed or used in violation of this Chapter, or if any land is proposed to be used in violation of this Chapter, the appropriate action or private cause of action to prevent, restrain, correct, or abate such use may be taken by:
 - A. Borough Council
 - B. The Zoning Officer
 - C. Any other official of the Borough designated by Borough Council
 - D. Any aggrieved owner or tenant of real property who shows that his property or person will be affected substantially by the alleged violation

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2. When any action is instituted by a land owner or tenant, notice of the action shall be given to Borough Council and the Zoning Officer at least 30 days prior to the time the action is begun by serving them a copy of the complaint. No action may be maintained until such notice been given.

(Ord. 1968, 9/8/2003, §1102)

SECTION 1103. Enforcement Notice.

1. If it appears to the Zoning Officer that a violation of this Chapter has occurred, he shall initiate enforcement proceedings by sending an enforcement notice to:
 - A. The owner of record of the parcel on which violation has occurred.
 - B. To any person who has filed a written request to receive enforcement notices regarding that parcel.
 - C. To any other person requested in writing by the owner of record.
2. The notice shall be by certified letter or by delivery in person. If notice is given in person, the person serving the notice shall obtain a notarized affidavit stating the service was made at a place and time shown on the affidavit.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Zoning Officer intends to take action and the location of the property in violation.
 - B. The specific violation with a description of the requirements that have not been met, citing, in each instance, the applicable provisions of this Chapter.
 - C. The date by which the steps for compliance must be commenced and the date by which the steps must be completed.
 - D. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period in accordance with the procedures set forth in this Chapter.
 - E. That failure to comply with the notice within time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly specified.

(Ord. 1968, 9/8/2003, §1103)

SECTION 1104. Jurisdiction.

District Justices shall have initial jurisdiction to determine the amount of judgments, damages or penalties from enforcement notices filed under this Chapter.

(Ord. 1968, 9/8/2003, §1104)

SECTION 1105. Enforcement Remedies.

1. Any person, partnership, or corporation who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough.
2. No judgment shall be imposed until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment within the time prescribed by law, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
3. Each day a violation continues shall constitute a separate violation, unless the district justice determines that there was a good-faith basis for the person violating this Chapter to have believed that there was no such violation. In that case, only one such violation has been committed until the fifth day following the date of the determination of a violation by the district justice. After that, each day a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.
4. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of violation and judgment.
5. Nothing contained in this Section shall be interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement under this Section.

(Ord. 1968, 9/8/2003, §1105)

SECTION 1106. Finances and Expenditures.

1. Borough Council may set fees, by resolution or by ordinance, for applications or appeals.
2. Borough Council may prescribe reasonable fees with respect to the administration of this Chapter and with respect to hearings before Borough Council and the Zon-

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ing Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing.

(Ord. 1968, 9/8/2003, §1106)

SECTION 1107. Exemptions.

These sections shall not apply to any existing or proposed building, or building extension, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of The Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

DETAILS. For details regarding enforcement of this Ordinance, see Zoning Appendix, A11, Sections A1100 through A1107, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §1107)

Part 12

Amendments

SECTION 1200. Amendments.

Amendments may be prepared by the Planning Commission or by others. All amendments shall be submitted to Borough Council. In the event the amendment involves the rezoning of land, the applicant shall submit an application fee which shall be set by Borough Council from time to time by Resolution.

(Ord. 1968, 9/8/2003, §1200)

SECTION 1201. Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Chapter and map or any provision in this Chapter that prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council. The curative amendment should be accompanied by a written request that this challenge and proposed amendment be heard and decided as provided in Zoning Appendix A12, Section A1201, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §1201)

SECTION 1202. Municipal Curative Amendments.

If Borough Council determines this Chapter, or portions of this Chapter, are substantively invalid, it shall declare this Chapter or portions of this Chapter invalid and shall enact a curative amendment.

(Ord. 1968, 9/8/2003, §1202)

DETAILS. For details about amendment procedures, see Zoning Appendix A12, Sections A1200 through A1203, located at the end of this Chapter.

(Ord. 1968, 9/8/2003, §1202)

Part 13

Severability, Conflicts, Repealer

SECTION 1300. Severability.

1. This Chapter, comprising various parts, sections, subsections, and clauses, are severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, the Borough hereby declares that the remainder of this Chapter shall not be affected.
2. If any such part is adjudged unconstitutional or invalid as applied to a particular property or structure, it is provided hereby that the application of such portion of this Chapter to any other property, building, or structures shall not be affected.
3. Whenever any condition or limitation is included in an order authorizing any grading permit, zoning permit, certificate of occupancy, conditional use, or site plan approval, it shall be presumed conclusively that the authorizing officer or body considered such condition or limitation necessary:
 - A. To carry out the spirit and purpose of this Chapter, or
 - B. The requirement of one of its provisions, and
 - C. To protect the public health, safety, and welfare.
4. It shall further be presumed conclusively that the officer or body would not have granted the authorization to which the condition or limitation pertains, except in the belief that the condition or limitation was lawful.

(Ord. 1968, 9/8/2003, §1300)

SECTION 1301. Conflict with Other Laws.

Whenever any provisions set forth in this Chapter are found to be in conflict with mandatory Commonwealth or Federal laws, such mandatory laws shall govern and this Chapter shall be construed accordingly so that the conflict shall not affect the validity of this Chapter.

(Ord. 1968, 9/8/2003, §1301)

SECTION 1302. Conflicts between Main Ordinance and Appendix.

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

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(Ord. 1968, 9/8/2003, §1302)

SECTION 1303. Repealer.

All Borough ordinances or parts of ordinances inconsistent with this Chapter are hereby repealed, only to the extent of such inconsistency.

(Ord. 1968, 9/8/2003, §1303)

Part 14

Definitions

§1400. Definitions.

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

ADULT ENTERTAINMENT USE – adult entertainment uses 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:
 1. 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 specified sexual activities or specified anatomical areas.
 2. 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 bookstore 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.

ADULT ENTERTAINMENT – live or non-live 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/ad ult 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.

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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. Fondling or other erotic touching of specified anatomical areas.

AIRPORT DISTRICT DEFINITIONS – see Appendix A3, Section A342.5, located at the end of this Chapter.

AIRPORT USE – the operation of an airport including facilities for takeoff and landing aircraft together with accessory uses including dining facilities, hangers, 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.

ALTERATION – HISTORIC DISTRICT – as applied to Pottstown's Certified Local Government Historic Districts, an alteration is any change, modification, or addition to a part or all of the exterior of any building or structure which can be seen from a public right of way.

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 shall be 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 of 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 develop-

ment 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.

AUTOMOTIVE 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 100 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 not including any such device that can be lifted and transported by two able-bodied adults without the use of mechanical means.

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

BOROUGH – Borough of Pottstown, Montgomery County, Pennsylvania.

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 Part.

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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 PERMIT – an approval statement signed by the Code Enforcement Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building within Pottstown.

BUILDING PERMIT APPLICATION – the request filed by any person with the Code Enforcement Officer that seeks authorization to construct, alter, reconstruct, repair, restore, demolish or raze all of any part of any building within Pottstown.

BUILDING TYPES –

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 for the burial of the dead.

CERTIFICATE OF APPROPRIATENESS – a statement signed by Pottstown Borough Council that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building within one of Pottstown's Certified Local Historic Districts, and authorizes the issuance of a building permit for said request.

CERTIFIED LOCAL GOVERNMENT HISTORIC DISTRICT – the areas in the Borough of Pottstown created by ordinance of the Borough of Pottstown as authorized by the Act of June 13, 1961, P.L. 282, No. 167, as amended.

CHILD CARE FACILITY – any dwelling, building or portion thereof which child day care services are provided, including any onsite 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 used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to four, five or six children, who are not relatives of the caregiver. Day Care service for children in this type of facility is different from "baby-sitting."
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.

CODE ENFORCEMENT OFFICER – the officer designated by Pottstown Borough Council as the person who issues permits for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building in Pottstown.

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 the 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

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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 mullions in the sash of windows

Shape and placement of porches and columns

CONSTRUCTION – any or all work necessary for the erection of any building or structure from a combination of materials to form safe and stable structures.

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

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.

DEMOLITION – the dismantling or tearing down of all or part of any building.

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 Part shall mean the written and graphic materials referred to in this Part.

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 with 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 square 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 no 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 care or nursing care for the elderly on the premises for occupants, not including a hospital or group home.

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GROUP HOME – a place for residential occupancy by fewer than seven individuals (including live-in counselors) who live together as a single housekeeping unit in a long-term, family-like environment and who are given social, physical and mental support and/or training. The term "group home" shall not include convalescent home, nursing home, alcohol or drug treatment center, work release facility for convicts or exconvicts, or other housing facility serving as an alternative to incarceration.

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 is 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 mobilehome, 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 dwelling 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. **SEMI-DETACHED 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 Appendix A3, Section A339.14, located at the end of this Chapter.

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.

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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.

HARB – the Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

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 ARCHITECTURAL REVIEW BOARD – the Historic Architectural Review Board regulating properties in Pottstown's Certified Local Ordinance Historic Districts.

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

HOME OCCUPATION – an 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 non-profit, religious or public use, such as a church, library, public or private school (as defined by this Chapter), hospital, or government-owned or operated building, structure, or land used for a public purpose. This also in-

cludes cultural uses that promote art, drama, music, science and/or history such as a museum, theater, or botanical garden.

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, rags, 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 emissions 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.

ZONING

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, means 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 mobilehome lots for the placement thereon of mobilehomes.

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 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 existed 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 persons 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 GOVERNMENTAL 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.

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

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 Part, the 100 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 100 year flood.

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.

ZONING

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

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.

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.

PRE-SCHOOL 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 other 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 Part.

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 be not fewer than seven days from the date of the hearing, unless specified otherwise elsewhere in this Part, 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."

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

RECONSTRUCTION – any or all work need to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

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.

ZONING

REHABILITATION – the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

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 – a structure containing separate storage spaces of varying sizes leased on an individual basis.

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

REPAIRS – any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

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, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or 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.

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, NON-ALCOHOLIC – 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.

RESTORATION – any or all work connected with the returning to or restoring a building or part of any building to its original condition through the use of original or nearly original materials.

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.

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 postgraduate education, including community colleges, 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, Section 702.

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

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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 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 this Chapter.

STORAGE SHED – an accessory building with four sides and a roof, not exceeding 100 square feet or eight feet in height, for the 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 the Subdivision and Land Development Ordinance [Chapter 22].

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, the 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 ORDINANCE – the Pottstown Subdivision and Land Development Ordinance [Chapter 22].

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 approved 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.

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.

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

UTILITY COMPANY – an entity organized for the transmission and exchange of telephone, television, radio telephone, gas, power, sewage, water, and for 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 this Chapter [Part 9].

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

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 permit-

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ted 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.

(Ord. 1968, 9/8/2003, §1400; as amended by Ord. 1985, 10/12/2004, § 4; and by Ord. 2042, 8/13/2007)