

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, BASED ON RECOMMENDATIONS MADE BY THE ORDINANCE REVIEW COMMITTEE, TO EFFECTUATE VARIOUS AMENDMENTS WHICH AMEND THE PERMISSIBLE USES AND EXISTING CONDITIONAL USES WITHIN THE TRADITIONAL TOWN NEIGHBORHOOD DISTRICT; ELIMINATE THE TRAFFIC AND PARKING STUDY REQUIREMENT FOR CERTAIN EXISTING BUILDING CONDITIONAL USES IN THE TRADITIONAL TOWN NEIGHBORHOOD DISTRICT; ESTABLISH REGULATIONS FOR RESIDENTIAL DRIVEWAYS; READOPT SCREENING REGULATIONS FOR OUTDOOR STORAGE; AND REVISE THE DEFINITIONS FOR SINGLE-FAMILY DWELLING, APARTMENT/CONDOMINIUM, AND DWELLING.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. Subsection 2, “Permitted Uses,” of Section 319, Traditional Town Neighborhood (Conservation), of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown as amended, (hereinafter the “Zoning Ordinance”), is hereby amended to read as follows:

§ 319 Traditional Town Neighborhood (Conservation)

2. Permitted Uses.

A. The following uses are generally permitted:

Apartment/Condominium (minimum 2,400 square

feet on ground floor)

Single-Family Detached Dwelling

Single-Family Semidetached Dwelling

Municipal-owned parks, playgrounds, and other similar

uses deemed appropriate by the Council

- B. The following uses are specifically permitted within existing commercial units if the property abuts King Street, N. Hanover Street, High Street, N. Charlotte Street, S. Washington Street, Moser Road, S. Keim Street, and Armand Hammer Boulevard:

Office (except client based social service provider)

Direct Retail, if the use does not exceed 3,000 square feet and the daily hours of operation are confined to 9:00am until 8:00pm

Direct Service, if the use does not exceed 3,000 square feet and the daily hours of operation are confined to 9:00am until 8:00pm

Restaurant, non-alcoholic, if the daily hours of operation are confined to 8:00am until 10:00pm

SECTION 2. Subsection 5, “Existing Building Conditional Uses (See Section 402),” of Section 319, Traditional Town Neighborhood (Conservation), of Part 3, Districts, of the Zoning Ordinance is hereby amended to read as follows:

§ 319 Traditional Town Neighborhood (Conservation)

5. Existing Building Conditional Uses (See Section 402).

- A. Any existing nonresidential building:

Office (except client based social service provider)

Office (except client based social service provider) on the first floor with an Apartment/Condominium on the upper floors

Direct Retail

Direct Service

Restaurant, non-alcoholic

- B. Any existing nonresidential principal building consisting of two or more stories with a minimum of 2,500 square feet on the ground floor (as of the enactment date of Ordinance 2085, 9/12/2011):

Apartment/Condominium

- C. Any existing Apartment/Condominium:

Office (except client based social service provider), solely, or with an Apartment/Condominium on the upper floors

SECTION 3. The traffic and parking study requirement contained in subsections 1, “Direct Retail,” 2, “Direct Service,” 4, “Offices,” and 6, “Restaurants, Nonalcoholic” of Section 402, Existing Building Conditional Uses, of Part 4, Conditional Uses, of the Zoning Ordinance is each hereby deleted and repealed.

SECTION 4. Part 5, General Regulations, of the Zoning Ordinance is hereby amended to include a new Section 510, Residential Driveways, which shall provide as follows:

§ 510 Residential Driveways.

1. Definition. For the purposes of this section, the term “driveway” shall mean a thoroughfare that provides vehicular access on a lot to a building or use.
2. The installation or expansion of driveways servicing existing single-family dwelling within the Conservation and Gateway Districts shall comply with § A527, “Driveways,” Appendix A5, Design, of Chapter

22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, which is incorporated herein by reference.

A. Exceptions.

- (a) A driveway may be located in the side or front yard if the Zoning Officer determines that a driveway located in the rear yard is not feasible or the property is within a residential development in which driveways are historically located in the side or front yard. When a driveway is permitted in the front yard pursuant to this exception, no part of the driveway shall ever be located in the area existing between the dwelling and the street unless the driveway connects a street-facing attached garage to the street; the driveway then shall only extend into that area as much as is necessary to reasonably service the dwelling.
- (b) Driveway intersections serving individual parcels of land may be prohibited by the Zoning Officer where such intersections would create congestion, interference and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distance and/or high-speed traffic flow.

SECTION 5. The amendment to subsection 3 of Section 508, Outdoor Storage, of Part 5, General Regulations, of the Zoning Ordinance in Section 15 of Ordinance 2203 (4/12/21) included a typographical error. That amendment is hereby repealed and the following regulation is readopted retroactively, to the fullest extent permissible by law. The readopted subsection 3 of Section 508, Outdoor Storage, of Part 5, General Regulations, of the Zoning Ordinance is then amended to hereafter read as follows: “Outdoor storage area shall be shielded from public view and adjoining properties on ground level, and the fencing or wall shall be solid and constructed of wood, vinyl designed to look like wood, composite designed to look like wood, brick, stone, or stucco (capped with brick, slate, or stone).”

SECTION 6. The definition for “Single-Family Dwelling” within Section 1400, Definitions, of the Zoning Ordinance is hereby amended as follows:

SINGLE-FAMILY DWELLING

Any structure, except a mobile home, designed or used for residential occupancy by one family. The following definitions are also relevant to Single-Family Dwelling:

1. **ATTACHED SINGLE-FAMILY DWELLING**

A building consisting of not more than four units which are attached by common vertical walls with each unit having a separate or combined entrance or entrances. 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 "townhouses," "row houses," "triplexes," "quadruplexes," and "multiplexes."

2. **DETACHED SINGLE-FAMILY DWELLING**

A building designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling unit.

3. **SEMIDETACHED DWELLING**

A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly next to or over the other, or a combination thereof. This building type shall include, but not be limited to, duplexes and twins.

A. **DUPLEX**

A building located on one lot under common ownership containing two dwellings designed for and occupied by two families, with one dwelling located wholly or partly over the other, and each dwelling unit possessing an independent external access or accessed internally via a common hallway or stairwell.

B. **TWIN**

A building spanning two lots containing two dwellings designed for and occupied by two families, with each unit

connected by a common vertical wall but possessing independent external access.

SECTION 7. The definitions for “Apartment/Condominium” and “Dwelling” within Section 1400, Definitions, of the Zoning Ordinance are hereby amended as follows:

APARTMENT BUILDING/CONDOMINIUM

A building containing at least three dwellings with independent external access or shared access via a common hallway or stairwell.

DWELLING

A unit with one or more rooms with living, cooking, eating, sleeping, and sanitary facilities provided for the living purposes of one family. The minimum square footage for any dwelling shall be 800 square feet of livable space.

SECTION 8. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 9. Reenactment. All other parts of Chapter 27, Zoning, the Pottstown Borough Zoning Ordinance are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 10. Effective Date. This ordinance is effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 20____.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY:

Dan Weand, President

ATTEST:

Virginia L. Takach, Secretary

Approved this ____ day of
_____, A.D., 20__.

Stephanie Henrick, Mayor