

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, CREATING A NEW SECTION 204, MINOR PLAN SUBMISSION REVIEW PROCEDURE, AND A NEW SECTION 402, MINOR PLAN SUBMISSION REQUIREMENTS, BOTH PART OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH A PROCEDURE AS WELL AS SUBSTANTIVE REQUIREMENTS FOR SUBMISSION OF MINOR SUBDIVISION AND LAND DEVELOPMENT PLANS.

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.** A new section 204, Minor Plan Submission Review Procedure, of Part 2, Applications, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby created and shall provide as follows:

**§ 204 Minor Plan Submission Review Procedure**

Minor plans may be submitted and processed only for lot line adjustments, simple conveyances, minor subdivisions, and minor land developments, as characterized hereafter, in accordance with the standards and requirements of this section.

1. The following qualify for minor plan submission:
  - A. Lot line adjustment.
    1. A proposal between two abutting, existing, legally approved and recorded lots.
    2. A common lot line is proposed to be adjusted in terms of its location or configuration.

3. The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.
4. No alteration will occur to the perimeter boundary lines of the lots.
5. Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) as a result of the lot line adjustment.
6. The reason for the lot line adjustment includes, but is not necessarily limited to:
  - (a) Correcting errors regarding locations of existing improvements (e.g., driveway for lot 1 is located on lot 2).
  - (b) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow).
  - (c) Preferences of the landowners involved.

B. Simple conveyance.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
3. The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
4. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) so that, after conveyance, it will remain in compliance with those requirements.
5. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance (Chapter 27), provided that it shall be deed restricted to the extent that it may not be transferred independently but must be transferred together with the lot to

which it is being functionally added by the process of simple conveyance.

C. Minor subdivision.

1. A subdivision proposal which would divide one existing lot into two lots, both of which will comply with the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) district in which the existing lot is located.
2. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Borough requirements for lot frontage and access to a public street for both proposed lots.
3. The subdivision will not require new road construction, road improvements or the extension of existing public utility lines.
4. The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Borough Engineer.
5. Disqualification. Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

D. Minor land development.

1. Any of the following:
  - (a) A land development proposal where it is found that the intended development or modification of a site or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within Part 5.
  - (b) Parking lot expansions.
  - (c) Additions to existing nonresidential buildings, provided that the addition is less than 5,000 gross square feet and involves no more than a twenty-five-percent increase in the size of the existing building.
  - (d) The conversion of a residential dwelling that results in the creation of no more than two new dwelling units.

- (e) The addition of tenants to an existing nonresidential building when minimal structural improvements are required.
  - 2. Disqualification. Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.
- 2. Minor Plan Submissions and Review Procedures.
  - A. All minor plans shall be considered to be preliminary plans for the purposes of submission for review and approval and shall comply with the requirements of Part 2.
  - B. When a minor plan qualifies for approval or for approval subject to conditions, in accordance with this Part, the minor plan may be granted concurrent preliminary and final plan approvals, providing that the plan includes the final plan certifications required by § 402.
  - C. A minor plan which will require access to a state highway shall include all plans and specifications proposed for submittal to the Pennsylvania Department of Transportation for the purpose of obtaining a highway occupancy permit.

**SECTION 2.** A new section 402, Minor Plan Submission Requirements, of Part 4, Plan Requirements, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby created and shall provide as follows:

**§ 402            Minor Plan Submission Requirements**

Plans which qualify for Minor Plan Submission pursuant to Section 204 shall comply with the following submission requirements:

- 1. Drafting standards. The following shall be depicted on the plan.
  - A. The plan shall be drawn to a standard engineering scale not exceeding 100 feet to the inch.
  - B. The sheet or sheets shall be one of the following sizes: 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches.

- C. Property lines shall be drawn and labeled in conformance with accepted surveying and civil engineering practices, including dimensions shown in feet and decimals and bearings shown in degrees, minutes and seconds.
- 2. Basic information to be shown on the plan.
    - A. Name, address and phone number of the applicant.
    - B. Name, address and phone number of any other property owner involved in the proposal.
    - C. Name, address, phone number and professional seal of the individual that prepared the plan.
    - D. Date of preparation of the plan and a descriptive list of revisions to the plan and the revision dates.
    - E. North point and graphic and written scale.
    - F. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.
    - G. The entire boundary lines of all lots involved in the proposal, with bearings and distances and lot areas.
    - H. A list of the basic dimensional requirements of the applicable zoning districts.
    - I. Legend sufficient to indicate clearly between existing and proposed conditions.
    - J. Notes sufficient to describe what is being proposed and which land areas are to be transferred as a result of the proposal.
  - 3. Existing and proposed features to be shown on the plan.
    - A. Lot line adjustments.
      - 1. The lot line proposed to be adjusted, as it currently exists, shown as a dashed line, labeled "lot line to be removed."
      - 2. The lot line as it is proposed to be after adjustment, drawn using the standard lot line delineation at a heavier line weight than the other lot lines and labeled "proposed new lot line."

3. Any existing physical features of the site which are involved in the decision to adjust the line.
4. Any existing and/or proposed features which will be directly affected by the lot line adjustment.

B. Simple conveyances.

1. The land area to be conveyed, drawn in a manner which makes it readily identifiable. The lot lines defining this area shall be drawn using the standard lot line delineation at a heavier line weight than the other lot lines. This area shall be labeled "this area to be conveyed to (name) and is not a separate building lot."
2. The area of the parcel being conveyed.
3. The areas of the previously existing lots and their areas following conveyance.
4. Any existing and/or proposed site features which will be directly affected by the conveyance.

C. Minor subdivisions.

1. Existing features.
  - (a) Streets bordering or crossing the tract, showing names, right-of-way and cartway widths, and surface conditions.
  - (b) Locations of sanitary and/or storm sewer lines and water supply lines.
  - (c) Location of all watercourses and limits of any flood-prone areas, based on FEMA studies or engineering determination.
  - (d) Contours obtained from USGS 7.5-minute quadrangle maps or more accurate methods.
  - (e) Location and description of existing buildings and other structures, labeled "to remain" or "to be removed," as applicable, and location and description of existing buildings and other structures less than 50 feet beyond the tract boundaries.

- (f) Outer limits of tree masses.
  - (g) Locations of any natural or man-made feature which may affect the developability of the land, such as quarries, wetlands, etc., within the property and up to 100 feet beyond the tract boundaries.
  - (h) Location, type and ownership of major utilities, such as pipelines and electric transmission lines, both above and below ground, with descriptive notes.
  - (i) Easement or right-of-way dimensions.
  - (j) Additional setback or development restrictions imposed by the utility company.
  - (k) Specific type of product using pipelines.
  - (l) Areas subject to deed restrictions or easements.
2. Proposed features.
    - (a) Layout and dimensions of both lots, including net lot areas and ultimate rights-of-way.
    - (b) All building setback lines.
    - (c) Locations of on-site water supply and sewage disposal, if applicable.

D. Minor land development.

1. The existing and proposed features for minor subdivisions above.
2. Parking lot locations.
3. New buildings or additions to existing structures.

**SECTION 3.** Severability. If any sentence, clause, section or other 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 remaining provisions, sentences, clauses, sections or other 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, not be included herein.

**SECTION 4.** Reenactment. All remaining provisions of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith are hereby re-enacted and reordained.

**SECTION 5.** Effective Date. This ordinance shall become effective immediately upon enactment.

**ENACTED** and **ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

BY:

\_\_\_\_\_

Dan Weand, President

ATTEST:

\_\_\_\_\_

Secretary