

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, IN ORDER TO DELETE REDUNDANCIES RELATED TO FLOODPLAIN REGULATIONS; REDUCE MINIMUM PARKING REQUIREMENTS FOR THE DOWNTOWN DISTRICT; AND AMEND THE REGULATIONS FOR SWIMMING POOLS, INCLUDING STORABLE POOLS .

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. Sections 339, Overlay District; 340, Floodplain Boundaries; and 341, Floodplain Regulations of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, are hereby deleted in their entirety because the floodplain is now regulated by Chapter 8, "Floodplains."

SECTION 2. Subsection 601(4), Off-Street Parking Standards - Number of Spaces, of Part 6, Parking, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance is hereby amended to include the following subpart (C) which shall read as follows:

- C. Uses permitted in the Downtown District pursuant to § 320, Downtown, of this Chapter are exempted from the minimum parking requirements contained in subsections (A) and (B); provided that the habitable space of the residential portion of any mixed use does not increase more than 500 square feet beyond its footprint as of

the effective date of this ordinance. If the footprint of the habitable space within the residential portion of such a mixed use increases more than 500 square feet beyond its footprint as of the date of the effective date of this ordinance, the residential portion of the use shall then be subject to the regulations contained within this subsection.

SECTION 3. The definition for “Swimming Pool” contained in Section 1400, Definitions, of Part 14, Definitions, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby deleted and replaced with the following definitions:

Swimming Pool - A pool constructed or installed outside of a completely enclosed building, capable of holding at least twenty-four inches of water, and which otherwise meets one of the following definitions:

Swimming Pool, Above-Ground - A pool constructed at ground level, regardless of its dimensions.

Swimming Pool, In-Ground - A pool constructed below ground level, regardless of its dimensions.

Swimming Pool, Storable - A type of Above-Ground Pool installed and **designed to be removed seasonally** which is constructed or manufactured with nonmetallic, molded polymeric, inflatable, or fabric walls.

SECTION 4. Subsection 507(7), Swimming Pools, of Part 5, General Regulations, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby to read as follows:

- A. Swimming Pools shall be used solely for occupants and guests of the property.
- B. In order to prevent uncontrolled access to a Swimming Pool from the street or adjacent properties, the property must either construct a fence or wall around the perimeter of the pool area or the yard where the pool is located.

- C. Swimming Pools shall not be located in the front yard.
- D. Storable Swimming Pools may be located no less than four feet from the side lot line and/or four feet from the rear lot line, where applicable. All other Swimming Pools may be located no less than seven feet from the side lot line and ten feet from the rear lot line, where applicable.
- E. Storable Swimming Pools are subject to the following additional restrictions:
 - (1) The pool must be drained and removed before October 1st each year. A pool which cannot or is not drained and removed by October 1st will be subjected to the setback requirements for non-storable pools.
 - (2) Occupants must obtain a permit from Licensing and Inspections for all new or replacement pools prior to construction or installation.

SECTION 5. 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 6. Reenactment. All other parts of Chapter 27, Zoning, of the Pottstown Borough Zoning Ordinance, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance; and Chapter are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2020.

**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., 2019.

Stephanie Henrick, Mayor