

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, AND 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 INCLUDING BUT NOT LIMITED TO AMENDMENTS TO REQUIRE AN ENGINEER'S CERTIFICATION ON FINAL PLATS; REQUIRE THE PLANTING OF ONE TREE FOR EVERY FOUR PARKING SPACES RELATED TO LAND DEVELOPMENT APPLICATIONS; CLARIFY COUNCIL'S ABILITY TO SET AND REVISE ZONING RELATED PERMIT FEES BY RESOLUTION; ELIMINATE ZONING BASED AGE RESTRICTION FOR MASSAGE THERAPY CENTERS; AMEND VARIOUS LAND DEVELOPMENT AND ZONING BASED REGULATIONS RELATED TO FENCING AND SCREENING INCLUDING REGULATIONS FOR HEIGHT, LOCATION, AND MATERIALS; AND REVISE MURALS' DISTANCE REGULATIONS.

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 19 of Section A408, "Certificates and Assurances," of Appendix 4, Plan Requirements, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby to include the following:

BOROUGH ENGINEER REVIEW

The Borough Engineer reviewed this plan this _____ day of _____, 20_____.

, Borough Engineer

SECTION 2. Subsection 1 of Section 508, “Design and Quantity of Parking Lot Trees,” of Part 5, Design, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to read as follows:

§ 508. Design and Quantity of Parking Lot Trees.

1. Trees shall be uniformly distributed along the perimeter of parking areas and within the interior of parking areas in a quantity of not less than one tree per every four (4) parking spaces.

SECTION 3. Subsection 2 of Section 510, “Screening,” of Part 5, Design, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to read as follows:

§ 510. Screening.

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2. Unless otherwise required by Chapter 27, Zoning, fences or walls shall be constructed of the following materials:
 - A. Brick.
 - B. Stone.
 - C. Wood.
 - D. Stucco over concrete block (capped with brick, slate or stone).
 - E. Wrought iron.
 - F. Vinyl or composite designed to look like wood.
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4. Trash Storage. All non-residential trash storage shall be screened by a solid wall and secured by a solid gate.

SECTION 4. Section 511, “Buffering,” of Part 5, Design, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to read as follows:

1. To protect residential areas, buffering shall be provided where any nonresidential use abuts a residential use or where the following districts abut any other district:
 - A. Heavy Manufacturing.
 - B. Gateway.
 - C. Highway Business.
 - D. Flex Office.
2. Buffering consist of either:
 - A. Unless otherwise required by Chapter 27, Zoning, fences between four (4) feet and five (5) feet in height and constructed of the following materials:
 1. Brick.
 2. Stone.
 3. Wood.
 4. Stucco over concrete block (capped with brick, slate or stone).
 5. Wrought iron.
 6. Vinyl or composite designed to look like wood.
 - B. A landscaped strip at least fifteen (15) feet wide planted with deciduous and evergreen trees and shrubs. At the time of installation, shrubs must be a minimum height of three (3) feet and an expected height at maturity of at least six (6) feet. There should be sufficient planting so there are no unobstructed openings wider than four (4) feet. At least 50% of the trees and 75% of the shrubs shall be evergreen species.

SECTION 5. Section 200, “Permits Required,” of Part 2, Applications, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to include a new subsection which shall read as follows:

§ 200. Permits Required.

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- (2) The fees associated with permits shall be adopted by Council by resolution and may thereafter be amended by further resolution of Council.

SECTION 6. The chart entitled, “CONSERVATION DISTRICT SUMMARY CHART,” and located within subsection A of Section 1 of Section 304, “Conservation District – Review Procedure” of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby relocated to a new section A304, “Conservation District – Review Procedure,” within Appendix A3, Districts, and then the chart shall be updated to reflect a height requirement of four (4) feet for Front Fences for Existing Buildings and four (4) feet for Front Fences for New Buildings.

SECTION 7. Subsubsection F of Subsection 31, “Massage Therapy Center,” of Section 401, “Conditional Uses,” of Part 4, Conditional Uses, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby deleted and repealed.

SECTION 8. The chart entitled, “GATEWAY DISTRICT SUMMARY CHART,” contained in subsection 2 of Section 326, “Demolition,” of Part 3, Districts, of Chapter 27, Zoning, is hereby relocated to a new section A326, entitled “Gateway District Summary Chart,” within a newly created appendix, A14, entitled Demolition, and then the chart shall be updated to reflect a height requirement of four (4) feet for Front Fences for Existing Buildings and four (4) feet for Front Fences for New Buildings.

SECTION 9. Section 317, “Fences and Walls,” of Part 3, Districts, of Chapter 27, Zoning,

of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows:

§ 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

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

Location	Maximum Height	Materials
Front Yard	4 feet	vinyl, composite, wood, ornamental iron, aluminum, or steel designed to look like a picket fence brick, stone
Side yard adjacent to street (alleys excluded) Rear yard adjacent to a street (alleys excluded)	4 feet	brick, stone, vinyl, composite wood, ornamental iron, aluminum, or steel chain link coated with black vinyl privacy fence permitted
Front or side of a building that abuts a sidewalk	6 feet	vinyl, composite, wood, ornamental iron, aluminum, or steel stucco over concrete block (capped with brick, slate or stone) privacy fence permitted

Interior side yard Rear yard	6 feet	Any common fence material and style
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2. All fences shall be erected with the finished side facing outward, towards the adjacent property or street.
3. No screening or buffering including but not limited to fences, hedges, trees, shrubbery, walls, plantings, or other obstructions shall be permitted within a right-of-way.
4. All screening and buffering must be constructed in order to maintain permissible sight distance for vehicular and pedestrian traffic.

SECTION 10. Section 331, “Fences and Walls,” of Part 3, Districts, of Chapter 27,

Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows:

§ 331. Fences and Walls. Fences and walls shall be placed and designed according to the standards contained within the following chart:

Location	Maximum Height	Materials
Front Yard	4 feet	vinyl, composite, wood, ornamental iron, aluminum, or steel designed to look like a picket fence brick, stone
Side yard adjacent to street (alleys excluded) Rear yard adjacent to a street (alleys excluded)	4 feet	brick, stone, vinyl, composite, wood, ornamental iron, aluminum, or steel chain link coated with black vinyl privacy fence permitted

Front or side of a building that abuts a sidewalk	6 feet	vinyl, composite, wood, ornamental iron, aluminum, or steel stucco over concrete block (capped with brick, slate or stone) privacy fence permitted
Interior side yard Rear yard	6 feet	Any common fence material and style

SECTION 11. Subsection 26, “Utility Company Operational Facility,” of Section 401, “Conditional Uses,” of Part 4, Conditional Uses, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows

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 solid fencing appropriate to the district.

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

SECTION 12. Subsubsection A3, of Subsection 27, “Automotive Repair Station,” of Section 401, “Conditional Uses,” of Part 4, Conditional Uses, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows:

§ 401. Conditional Uses.

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:

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- (3) Outdoor storage shall be limited to vehicles only. Fencing or walling, at least six (6) feet high in height, shall be used to screen the outdoor use area so that no vehicles can be viewed from High Street, and the fencing or wall shall be solid and constructed of wood, vinyl or composite designed to look like wood, brick, stone, or stucco over concrete block (capped with brick, slate or stone).

SECTION 13. Subsubsection A3, of Subsection 28, “Trade School (Automobile or Machine Training Only),” of Section 401, “Conditional Uses,” of Part 4, Conditional Uses, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows:

§ 401. Conditional Uses.

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:

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3. A solid fence six (6) feet high shall screen the outdoor area adjacent to the automobile storage station, so no vehicles can be seen from any street. The fence shall be constructed of brick, stone, wood, vinyl designed to look like wood, composite designed to look like wood, or stucco over concrete block (capped with brick, slate or stone). At least three (3) feet in front of any portion of the fence facing a street shall be dedicated to plantings, including one shade tree

for every ten (10) feet of fence or fraction thereof. If plantings are required, then the Applicant shall also submit a landscaping plan to be approved by Council.

SECTION 14. Subsubsection A of Subsection 5, “Solid Waste Storage Unit,” of Section 507, “Accessory Uses,” of Part 5, General Regulations, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended to read as follows:

§ 507. Accessory Uses.

5. Solid Waste Storage Unit.

A. Solid waste storage units shall be enclosed by a fence or wall used to screen the unit from public view, 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 over concrete block (capped with brick, slate or stone).

SECTION 15. Subsection 3 of Section 508, “Outdoor Storage,” of Part 5, General Regulations, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended as follows:

§ 508. Outdoor Storage.

3. Solid waste storage units shall be enclosed by a fence or wall used to screen the unit from public view, 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 over concrete block (capped with brick, slate or stone).

SECTION 16. Subsection 5, “Distance Between Murals,” of Section 713, “Special Regulations for Murals,” of Part 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, is hereby amended as follows:

§ 713. Special Regulations for Murals.

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5. Distance Between Murals. New murals shall not be located within 300 feet of any two or more existing murals, a distance to be measured from each existing mural.

SECTION 17. 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 18. Reenactment. All other parts of Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning, the Pottstown Borough Zoning Ordinance are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 19. Effective Date. This ordinance is effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2021.

**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., 2021.

Stephanie Henrick, Mayor