

SECTION 100 Title

This Ordinance shall be known as the "Pottstown Subdivision and Land Development Ordinance."

SECTION 101 Purpose

This Ordinance is designed to:

1. Guide new development to preserve and enhance Pottstown's traditional town character, preserve its historic resources, and revitalize its older areas.
2. Protect the environment and enhance and conserve water resources by:
 - A. Increasing permeable surfaces to increase groundwater recharge and mitigate runoff into our streams and the Schuylkill River
 - B. Planting more trees to filter and improve the quality of groundwater recharge.
3. Promote the general welfare by increasing the amenities of the Borough and lowering the cost of living in Pottstown through good urban design.
4. Promote the conservation of energy through the use of sound planning practices.

SECTION 102 Effect

The provisions of this Article shall regulate all subdivisions of land and all development of land in Pottstown, including additions to existing buildings and the construction of any infrastructure such as parking lots, streets or sewer lines.

DETAILS

For details about the purpose and effect of this Ordinance, see the Appendix, Sections A100 through A104, page A1.

What is land development or subdivision of land? According to the Pennsylvania Municipalities Planning Code:

Land development:

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure.
- The division or allocation of land or space, whether individually 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.

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.

SECTION 200 Application Procedure

Any applicant who seeks to subdivide or develop land must submit a plan, also known as a plat, for the Borough's review and approval.

SECTION 201 Voluntary Sketch Plan

Before going to the expense of preparing a formal plat, applicants may want to informally discuss their plans with the Pottstown Planning Commission at one of its meetings. This is a voluntary process offered at no cost by the Borough solely as a courtesy to potential applicants.

Planning Commission members will be happy to unofficially review the potential applicant's plans – a rough layout of the proposed subdivision or land development would be helpful -- and offer unofficial suggestions and comments. However, a legally binding review of a plan will not begin until a formal plat submission is made, and nothing said by any Planning Commission member, borough employee, or consultant will obligate the Borough to any particular course of action regarding a formal plat submission.

SECTION 202 Formal Application Procedure

Any applicant who seeks to subdivide or develop land must begin the process by submitting a preliminary plat to the Borough Zoning Officer. Usually within 90 days after the plat is submitted to the Zoning Officer:

1. The plat shall be reviewed by:
 - A. The Pottstown Planning Commission
 - B. The Borough Engineer
 - C. The Montgomery County Planning Commission
 - D. Any others whose advice might be needed.
2. The borough will notify all property owners within 300 feet of the land being subdivided or developed that a plan has been submitted, giving them an opportunity to comment on the plat. The cost of notification will be paid by the applicant.
3. The Pottstown Planning Commission will discuss the plat with the applicant at a public meeting. Changes may be made before a final plat is drawn up and submitted. Citizens will be free to offer their views about the plat at the public meeting.
4. The Pottstown Planning Commission shall make a recommendation to Pottstown Council.
5. Pottstown Council shall decide to accept or reject the plat.
6. Pottstown Council shall inform the applicant whether the plat has been accepted or rejected. If the plat has been rejected, Council shall place in writing the reasons why the plat has been rejected.
7. If the plat is accepted, the developer shall record the plat at the Montgomery County Recorder of Deeds within 90 days of approval. The Recorder of Deeds, however, will not accept the plat unless there is a seal on the plat signifying it has been reviewed by the Montgomery County Planning Commission and approved by the Borough of Pottstown.

DETAILS For details about legal process, see the Appendix, Sections A200 through A208, pages A2 through A6.

SECTION 300 Filing Fees

Filing fees shall be paid to the Borough at the time that subdivision and land development applications are filed. Applications are not considered filed until all fees are paid in full and a completed application (including all plans) has been submitted.

1. **County Review**

One fee will cover the cost of the review by the Montgomery County Planning Commission, as established from time to time by the Montgomery County Commissioners. This fee must be paid at the time of filing.

2. **Borough Review**

Another fee must be paid to the Borough of Pottstown. This will cover the cost of having the Borough Engineer and/or other professional consultants engaged by the Borough review the plan. The fee will be based on the prevailing hourly rate, including salary, wages, and fringe benefits, of the Borough Engineer and/or consultants. Initial fees, to be paid at the time of application, shall be in amounts as established from time to time by Resolution of Borough Council. Additional fees shall be paid as established from time to time by Borough Council.

DETAILS

For details on fees and the appeal process for disputing any fee, see the Appendix, Sections A300 through A301, page A6.

Plan requirements

SECTION 400 Plan Requirements

The preliminary and final plans for a subdivision and/or land development shall comprise a single plan or a series of plans that includes the five types of information listed below.

1. Location and Identification
The plan shall:
 - A. Identify and locate the parcel being subdivided and/or developed.
 - B. Identify the owner/applicant of the subdivision or land being developed.
 - C. Identify the engineer or surveyor who prepared the plan.

2. Existing features on and conditions on site
The plan shall:
 - A. Show the boundary of the parcel and label the bearings and distances
 - B. Show all existing above ground features of the parcel, including but not limited to:
 1. Buildings.
 2. Fences, walls.
 3. Vegetation.
 - C. Show all existing underground features on the parcel, including but not limited to:
 1. Sanitary sewer lines and water lines.
 2. Storm water drainage.
 - D. Show topographical information which depicts the elevation throughout the parcel with contour lines of at least 2 feet.

3. Existing features off site
The plan shall:
 - A. Show physical features and topography on the property surrounding the subject parcel for a distance of 100 feet, unless a greater distance is deemed necessary by the Zoning Officer because of unconventional topographic conditions.

4. Proposed features
The plan shall include all proposed physical features planned for the parcel, including but not limited to:
 - A. New buildings
 - B. Parking lots
 - C. Utility lines
 - D. Topographical information to depict areas of earthmoving and storm drainage.
 - E. A drawing, or elevation, showing the façade of any new buildings.
 - F. New streets
 - G. Walls, fences
 - H. Landscaping
 - I. Lighting

5. Certificates and assurances
 - A. Certification of a "Phase One" Environmental Site Assessment shall be attached in accordance with ASTM (American Society for Testing and Materials) standards.
 - B. The plan shall include the seal and signature of the engineer or surveyor who prepared the plan and a statement verifying the accuracy of the survey. The plan shall also include blocks for the certification of the owner and approval of Borough Council, the Pottstown Planning Commission, and the Montgomery County Planning Commission. Samples are included in the appendix, Section A408, page A13 and A14.

DETAILS

For detailed requirements, see the Appendix, Sections A400 through A408, pages A7 through A14.

SECTION 500 Design Standards – Community Development Objectives

Pottstown is a traditional town, constructed in an era when houses, stores and factories were placed in close proximity to one another so people could walk most places they needed to go. Great care was exercised to make buildings attractive and long-lasting, and to arrange them in a pleasing and efficient pattern.

To preserve the historic character of our town, Pottstown requires new development to be compatible with the best of our existing neighborhoods. Quality landscaping, the preservation of open space, and good street design are essential to enhance Pottstown's quality of life.

DETAILS

For detailed standards, see the Appendix, Sections A500 through A527, pages A15 to A30.

SECTION 501 Open Space Preservation

Because Pottstown was mostly built out before modern recreation standards were established, the Borough has a deficit of parks and open space. Therefore, residential subdivisions for 20 or more dwelling units, or of five or more acres, shall provide land for open space and recreation facilities. For detailed requirements, see the appendix, Sections A503-6, pages A5-3 through A5-6.

SECTION 502 Landscaping

Pottstown does not have the huge lawns of the suburbs or the woodlands and open fields of the countryside. Pottstown is densely populated, by American standards, with houses and other buildings placed close to each other and to the street. Much of Pottstown's surface area is covered by buildings and paved surfaces.

To protect and enhance its visual and natural environment, Pottstown encourages abundant and carefully designed landscaping, especially the planting of shade trees that will create large canopies at maturity.

Shade trees:

- * Fight global warming by absorbing greenhouse gases
- * Filter pollutants from the air
- * Lower ambient temperatures in the summer
- * Increase groundwater recharge
- * Soften the urban environment



Pottstown also encourages the preservation of permeable surfaces to allow rainwater to seep into the earth. One way to accomplish this is to provide planting strips along our sidewalks when we reconstruct them or build new ones.

SECTION 503 Shade Tree Requirements

Total number: The total number of trees required by this Ordinance shall be determined by computing the number of trees needed for street frontage, parking lots, and open space, and adding the results. When the sum results in a fraction, the fraction shall be rounded to the next higher whole number. Existing trees more than 3 inches in caliper may be counted toward the total.

Planting specifications: When planted, all trees must be at least 12 feet high, with a minimum caliper of 2½ to 3 inches in diameter measured 6 inches above the ground. The trees shall be deciduous, symmetrical in shape, with a trunk that is clean and straight, without branches for a distance of 7 feet above the ground. All trees must be guaranteed for a minimum of 18 months and conform with the most recent edition of the American Standard for Nursery Stock published by the American Association of Nurserymen.

Species: All trees required by this Ordinance shall be canopy trees with an expected height of no less than 40 feet at maturity, of a species to be recommended by the Pottstown Shade Tree Commission. Recommended species include:

For parking lots:

London Plane (*Platanus x acerifolia*)

Sidewalks

Green Ash (*Fraxinus Pennsylvanica*)
Honey locust (*Gleditsia triacanthos*)
London Plane (*Platanus x acerifolia*)
Northern Red Oak (*Quercus borealis*)
Red Maple (*Acer rubrum*)
Scholar tree (*Sophora japonica*)
Sweetgum (*Liquidambar styraciflua*)
Tulip Poplar (*Liriodendron tulipifera*)
Zelkova (*Zelkova serrata*)

SECTION 504

Open Space Trees

In areas of any developed lot where there are no buildings, one shade tree shall be provided for every 2,500 square feet of total lot area. This shall be in addition to trees required for street frontage and parking lots.

TREE PLANTING SPECIFICATIONS

Do not prune trees except for broken branches.

Apply pre-emergent herbicide such as "Preen" beneath mulch area only

Do not wrap trunk of tree.

Remove non-rotting rope and burlap from around trunk.

Do not stake or guy tree.

Remove all rubble and non-organic material from subsoil prior to mixing with topsoil.

3" double shredded and aged hardwood mulch

Well compacted topsoil in 6" lifts alternating with well-compacted ½ topsoil and ½ subsoil in 6" lifts.



SECTION 505 Street Trees

Shade trees shall be provided along all street frontages as follows:

Street frontage	Number of trees
Less than 40 feet	1 tree minimum
40 to 59 feet	2 trees minimum
60 feet or more	At least 3 trees, with a minimum of 1 tree for every 30 feet with an average spacing of at least 1 tree for every 30 feet.

Wherever possible, there shall be a planting strip of 4 to 6 feet in width placed between the curb and sidewalk for street tree planting. If it is not possible to create such a planting strip, individual tree wells shall be created in the sidewalk from 4 to 5 feet wide and from 6 to 10 feet long. Both planting strips and tree wells shall contain grass or other vegetation, stone screenings, or pavers with open joints so that rainwater can permeate the surface.



Planting strips

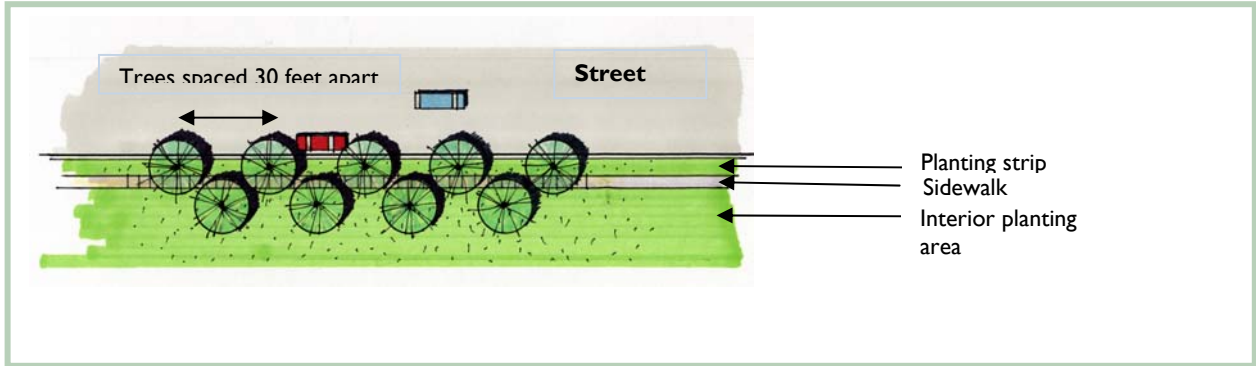


Tree wells



SECTION 506 Double Rows of Trees

Whenever there is sufficient open area on the inside of a sidewalk, the Borough encourages developers to place a second row of trees on the inside of the sidewalk, alternating with the first row of trees.



Trees planted on either side of the sidewalk in staggered rows 30 feet on center

Parking Lot Trees

SECTION 507 Parking Lot Shade Trees

Off-street parking areas that provide spaces for three or more vehicles shall be provided with shade trees.

SECTION 508 Design and Quantity of Parking Lot Trees

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 for every two parking spaces.

Trees in the interior of the lot shall be planted in:

- Planting strips, perpendicular to parking spaces, a minimum of 4 feet wide, covered with grass, other vegetation, or other pervious material such as stone screenings.
- Planting islands, parallel to parking spaces, a minimum of 4 feet wide, covered with grass, other vegetation, or other impervious material such as stone screenings.
- In cases where it can be demonstrated that planting strips or islands are not feasible, planting diamonds, measuring 5 feet by 5 feet and placed in the center of four intersecting parking spaces, may be used as shown below.



Planting Island

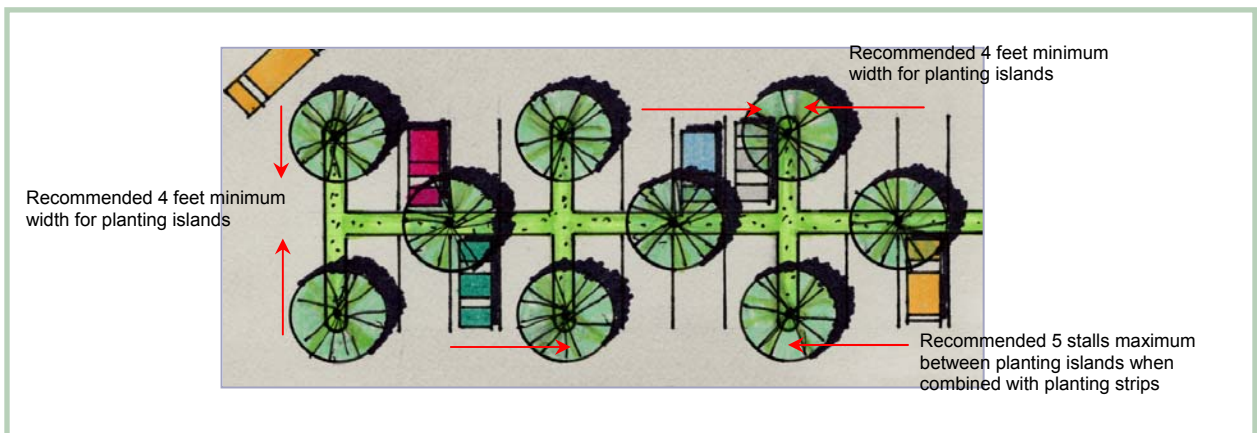


Planting diamond

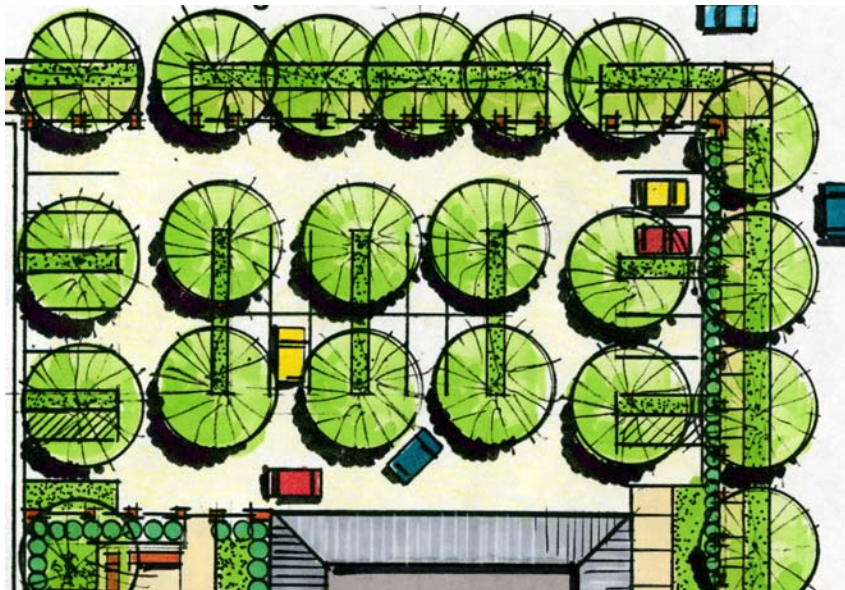
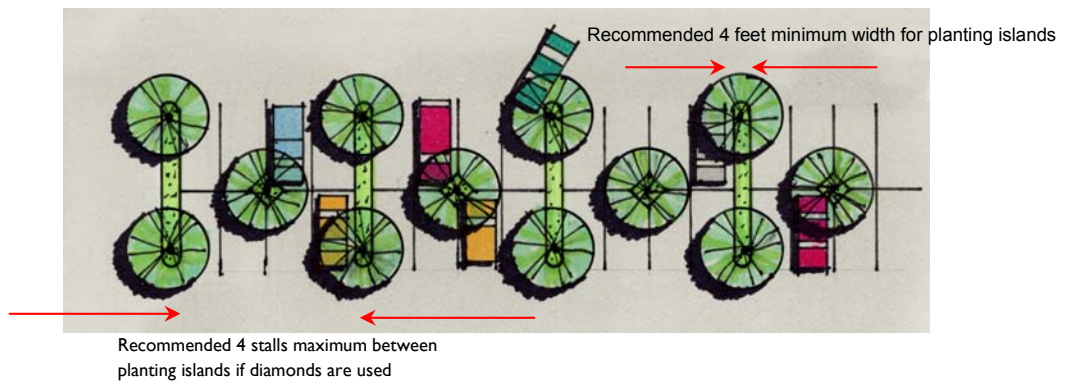
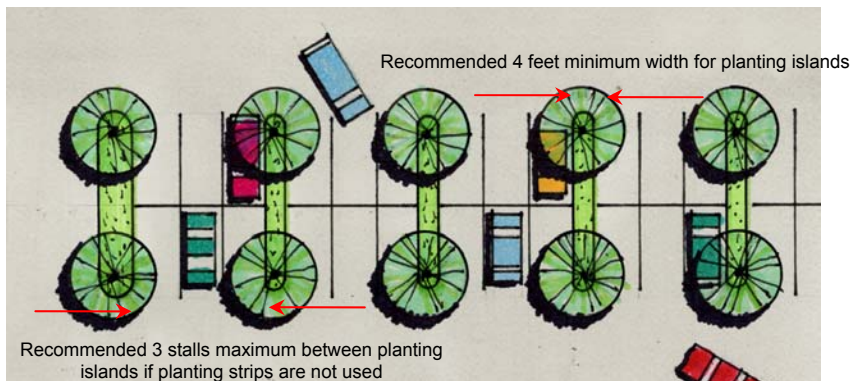


Planting strip

Planting strips, islands and diamonds should preferably be concave to absorb runoff from the parking surface. Wheel stops, bollards or wooden frames are preferred to curbing for the protection of trees from cars. Curbing should be used sparingly, at the discretion of the Borough. The Borough requires the following parking lot designs:



Parking Lot Trees

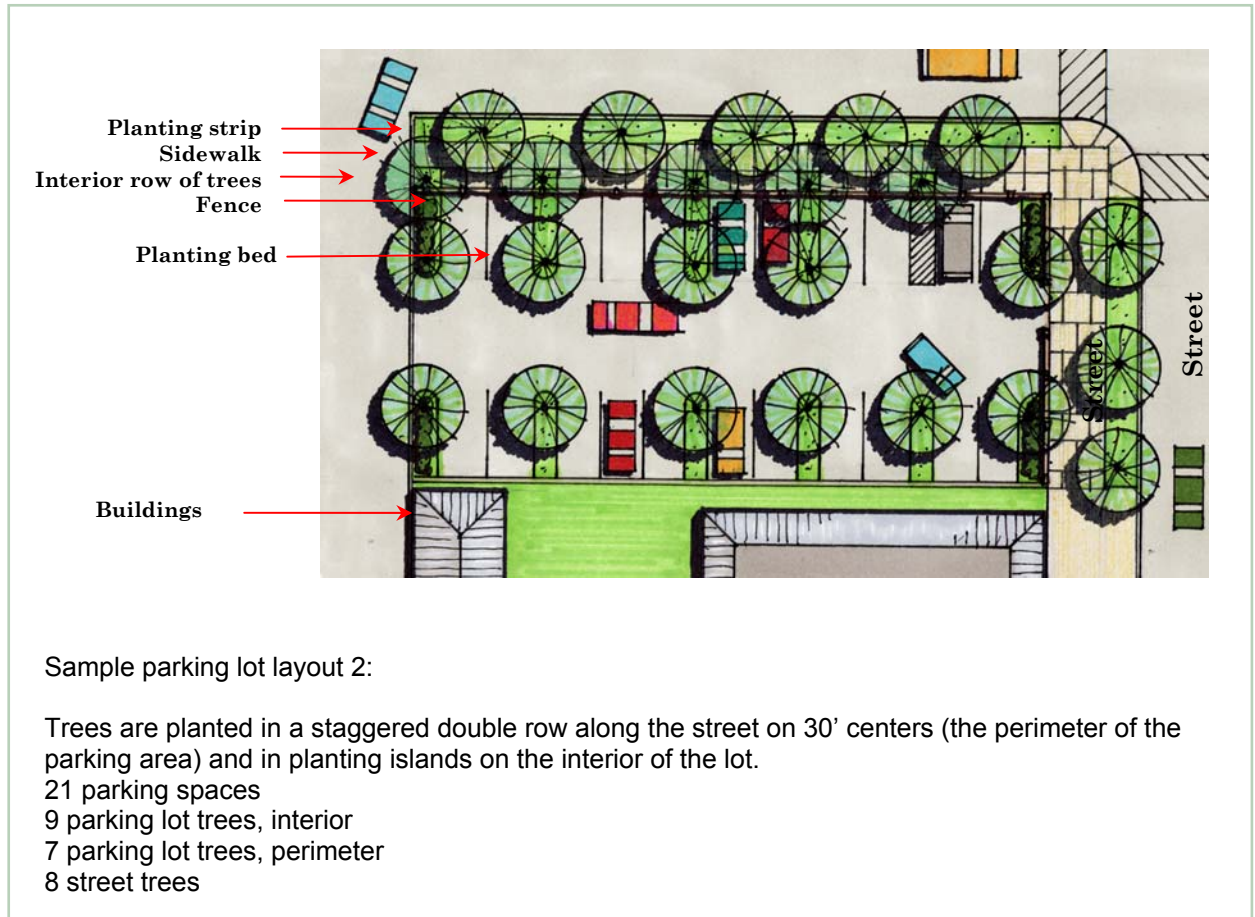


Sample parking lot layout 1:

Trees are planted in planting strip along the street (the perimeter of the parking area) and in planting islands within the interior of the lot.

26 parking spaces
10 interior parking lot trees
9 street trees which also serve as perimeter trees for parking lot.

Parking Lot Trees



Section 509 Protection of Parking Lot Trees

Bollards of concrete-filled steel pipes (or equally sturdy material), wooden frames, or wheel stops are preferred to curbing for protecting trees.



Bollard



Frame



Wheel stops

SECTION 510 Screening

1. Just as individuals have goods and chattel that we put out of sight in closets and storage rooms, outdoor storage areas should also be removed as much as possible from public view. Therefore the following uses must be screened with a fence or wall:
 - A. Storage areas, including trash storage
 - B. Utility substations
 - C. Mechanical equipment
 - D. Loading areas and parking areas adjacent to streets
2. Fences or walls shall be constructed of the following materials:
 - A. Brick
 - B. Stone
 - C. Wood
 - D. Concrete-based stucco
 - E. Vinyl designed to look like wood
3. Fences shall be higher than the materials being screened, other than buildings. 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.

SECTION 511 Buffering

1. To protect residential areas, buffering shall be provided where any non-residential use abuts a residential use or where the following districts abut any other district:
 - A. Heavy Manufacturing
 - B. Gateway
 - C. Flex Office
 - D. Highway Business
2. Buffering shall consist of either:
 - A. Fences between 4 feet and 6 feet in height and constructed of the following materials:
 1. Brick
 2. Stone
 3. Wood
 4. Concrete-based stucco
 5. Wrought iron
 6. Vinyl designed to look like wood
 - B. A landscaped strip at least 15 feet wide planted with deciduous and evergreen trees and shrubs. At the time of installation, shrubs will have a minimum height of 3 feet and an expected height at maturity of at least 6 feet. There should be sufficient planting so there are no unobstructed openings wider than 4 feet. At least 50 percent of the trees and 75 percent of the shrubs shall be evergreen species.

SECTION 600 Modifications to Requirements

1. Pottstown Borough Council may modify the requirements of one or more provisions of this Ordinance if they will create an undue hardship on the applicant, using the standards set forth by the Pennsylvania Municipalities Planning Code.
2. All requests for a modification shall be in writing and shall be a part of the application for development. The request shall state in full:
 - A. the grounds and facts of unreasonableness or hardship on which the request is based.
 - B. the provision or provisions of the ordinance involved.
 - C. the minimum modification necessary.
3. Borough Council may refer the request for modification to the Pottstown Planning Commission, to neighboring municipalities, to Borough departments, bureaus or agencies, or to any other competent body for review and report.
4. The Pottstown Planning Commission shall keep a written record of all action on all requests for modifications.

DETAILS

For details of these standards, see the Appendix, Section A600, page A31.

SECTION 700 Completion of Improvements

1. No plat shall receive final approval until all the streets, sidewalks, street trees, and other improvements as required by the Borough and shown on the plat have been completed. In lieu of the completion of the improvements, the developer may deposit with the Borough financial security in an amount sufficient to cover the costs of the improvements plus 10%, for a total of 110 % of the cost of the improvements.
2. The developer will submit an estimate of the cost of the improvements which will be reviewed by the Borough Engineer. If the developer needs more than a year to complete the improvements, the Borough may require more financial security.
3. In some cases, when requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed or recorded until the financial improvements agreement and the development agreement are executed.
4. As the work of installing the improvements proceeds, the developer may request funds to be released by the Borough to pay for completed work.

DETAILS

For the details of these procedures, see the Appendix, A700 through A702, pages A32 through A35.

SECTION 800 Mobilehome Parks

Mobilehome parks are regulated by this Ordinance.

DETAILS

For specific standards, see the Appendix, Sections A801 and A802, pages A36 and A37.

SECTION 900 Preventing Violations and Enforcing this Ordinance

1. The Borough of Pottstown will take any and all actions necessary to ensure this Ordinance is enforced, including but not limited to:
 - A. Restraining and correcting violations
 - B. Recovering damages
 - C. Preventing illegal occupancy of a building or premises
 - D. Refusing to issue permits
 - E. Seeking fines against violators in accordance with state law

DETAILS

For details about the Borough's jurisdiction and enforcement powers, see the Appendix, Sections A900 through A902, page A38.

SECTION 1000 Amending, Publishing, and Advertising this Ordinance

This ordinance shall be amended by a vote of Borough Council only after a public hearing with public notice given according to the provisions of the Pennsylvania Municipalities Planning Code.

DETAILS

For details, see the Appendix, Sections A1000 and A1001, page A39.

SECTION 1100 Conflicts between Main Ordinance and Appendix

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