

ORDINANCE NO. ____

AN ORDINANCE OF UPPER POTTS GROVE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING VARIOUS SECTIONS OF CHAPTER 310, SUBDIVISION AND LAND DEVELOPMENT, AND CHAPTER 350, ZONING, OF THE CODE OF THE TOWNSHIP OF UPPER POTTS GROVE, AS AMENDED, TO ADD ADDITIONAL DEFINITIONS, TO AMEND PARKING REQUIREMENTS FOR CERTAIN NON-COMMERCIAL USES, TO ALLOW MINOR SUBDIVISIONS WITH CERTAIN CONDITIONS IN THE R-1 RESIDENTIAL ZONING DISTRICT, AND TO AMEND PLAN PROCESSING PROCEDURES FOR SUBDIVISIONS AND LAND DEVELOPMENT.

SECTION 1. § 350-8, Definitions, of Article II, Language Interpretations and Definitions, of Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, as amended, is hereby amended to create the following additional definitions:

BANK or FINANCIAL INSTITUTION – a bank or financial establishment, including Credit Unions, and related financial service organizations.

GROSS FLOOR AREA – the total area included within the exterior walls of a building, exclusive of open courts.

SECTION 2. § 350-66, Use Regulations, of Article VII, R-1 Residential District, of Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, as amended, shall be hereby amended to read as follows:

§ 350-66. Use Regulations.

In an R-1 Residential District a building or structure may be erected, altered, or used and a lot or premises may be used or occupied for any of the following reasons:

- 1) Neighborhood lotting. As a permitted use on lots subdivided from tracts of five acres or more, when said tracts are contained entirely within the sewer service area as determined by the Township’s Act 537 Plan, existing as of the date of adoption of this chapter, when done as any neighborhood lotting as outlined in this article. Any residential development proposed under neighborhood lotting shall have a minimum of five building lots.

- 2) Standard lotting.
 - a) As a permitted use on lots subdivided from tracts less than five acres in size or on a lot existing as of the date of adoption of this chapter, when done in compliance with the standards of §350-67, 350-70, 350-71, “standard lotting” and 350-73A of the R-1 District; such lots do not need to comply with any other requirements of the R-1 District.
 - b) As permitted on lots in excess of five (5) acres so long as the lots can be created through the minor subdivision process pursuant to § 310-10. Such lots to be created through the minor subdivision process must satisfy all of the following conditions:
 - i. Contains four lots or less.
 - ii. Has not been part of a subdivision submitted within the past three years.
 - iii. Presently fronts on a physically improved street that is legally open to the public.
 - iv. Will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements.
 - v. Requires a variance(s) for no more than one of the proposed lots on which new construction will occur or may occur in the future.
 - vi. Is in general conformance with the Township Comprehensive Plan and other plans.
 - c) As a conditional use on lots subdivided from tracts of five acres or more, existing as of the original date of adopting this chapter when done in compliance with the standards of § 350-67, 350-70, and 350-71 (standard lotting) and § 350-73A, with all conditional use standards in § 350-74 of this article.

SECTION 3. § 350-142, Parking Use Requirements, of Article XVII, Off-Street Parking and Loading, of Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, as amended, is hereby amended to modify minimum parking requirements for certain non-residential uses as set forth as follows:

§ 350-142. Parking Use Requirements.

- A. Any building or other structure erected, altered or used and any lot used or occupied for any of the following purposes shall be provided with minimum off-street parking spaces as set forth below, together with adequate driveways and street access in compliance with the requirements of Chapter 310, Subdivision and Land Development. When a building, structure or lot contains two or more uses, the total parking requirement shall be calculated by adding the minimum parking requirements of each separate use, except when shared parking is permitted in accordance with § 350-144 of this article.

Use	Requirement
Residential Uses	...
...	
Commercial Uses	
- Retail Store	One space per 250 square feet of gross floor area used, or intended to be used, for servicing customers.
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Bank/Financial Institution	One space per 250 square feet of gross floor area devoted to servicing customers as well as to any office use.

SECTION 4. Subsection E, F, G and R of § 310-14, Plan Processing Procedures, of Article III, Plan Submission Requirements and Processing Procedures, of Chapter 310, Subdivision and Land Development, of the Code of the Township of Upper Pottsgrove, is hereby amended to read as follows:

§ 310-14 Plan processing procedures.

- E. Formal applications (minor subdivisions; tentative sketch plan, if required; preliminary or final) shall consist of the following:
- 1) Township plan approval application form.
 - 2) Not less than five (5) full sets, one (1) partial set of each plan, and one (1) electronic copy in digital pdf format, including one eleven-inch by seventeen-inch copy of the plan. The partial sets of each plan shall include at a minimum the following sheets: subdivision plan, grading and utility plan and any other sheets necessary for recording, specifically the signature sheets.
 - 3) Copies of all necessary permits from those government agencies from which approval is required by federal or state law.
 - 4) The Township filing fee.
 - 5) Certification that any previously required variances and/or special exceptions have been obtained from the Zoning Hearing Board.
 - 6) Appropriate DEP planning modules.
 - 7) Whenever water supply is proposed to be provided by means other than by private wells owned and maintained by individual owners of lots within a subdivision or land development, the subdivider/land developer shall present evidence (consisting of a certificate of public convenience from the Pennsylvania PUC or an application for such certification, a cooperative agreement or a commitment or agreement to serve the area) that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility.
 - 8) Storm drainage calculations.

F. Upon receipt, the Township Secretary shall forward one (1) electronic copy of the plan to the Montgomery County Planning Commission via the on-line portal.

G. The remaining copies of the plan shall be distributed for review as follows:

- 1) Township Planning Commission: five (5) electronic copies
- 2) Township Board of Commissioners: five (5) electronic copies
- 3) Township Solicitor: one (1) electronic copy
- 4) Township Manager: one (1) electronic copy
- 5) Township Engineer: two (2) full sets, when applicable
- 6) Township Authority: one (1) electronic copy, when applicable
- 7) Township Fire Company: one (1) electronic copy, when applicable
- 8) Township Public Works Director: one (1) electronic copy
- 9) Township Secretary: one (1) electronic copy, including the eleven-inch by seventeen-inch copy.

R. If the Board of Commissioners approves the plan, seven paper copies shall be signed and sealed by the Board of Commissioners and the Township Planning Commission.

SECTION 5. Subsection C, Parking Areas, of § 310-20, Service Drives, Driveways and Parking Areas, of Article IV, Design Standards, of Chapter 310, Subdivision and Land Development, of the Code of the Township of Upper Pottsgrove, as amended, is hereby amended to amend the following subsections:

§ 310-20. Service Drives, Driveways and parking areas.

C. Parking Areas.

...

- (7) Parking stall dimensions shall be no less than 9 feet in width and 18 feet in depth, unless otherwise noted in § 310-20.C.(11) below.

...

- (11) Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking (degrees)	Parking Stall		Aisle Width	
	Depth (feet)	Width (feet)	One-way (feet)	Two-way (feet)
90	18	9	24	24
60	20	10	19	24
45	19	10	16	24

SECTION 6. Repealer & Re-Enactment. All other ordinances or portions of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed; to the extent not inconsistent herewith, the remaining provisions of Chapter 310, Subdivision and Land Development, and Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove Township, as amended are hereby reenacted and re-ordained.

SECTION 7. 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 of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Upper Pottsgrove that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2019.

**UPPER POTTSBROVE TOWNSHIP
BOARD OF COMMISSIONERS**

BY: _____
Trace Slinkerd, President

ATTEST: _____
Secretary