

MUNICIPALITY OF NORRISTON
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 23-02 of 2023

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 320, TITLED "ZONING" OF THE GENERAL LAWS OF NORRISTOWN TO CREATE A NEW SUBSECTION 320-270 TO BE TITLED "MASTER PLAN" TO REQUIRE A MASTER PLAN BE APPROVED BY CONDITIONAL USE FOR LAND DEVELOPMENT PROJECTS THAT MEET CERTAIN CRITERIA WITHIN THE COMMERCIAL RETAIL DISTRICT (CR), INSTITUTIONAL DISTRICT (IN), RECREATION DISTRICT (RE), GATEWAY REDEVELOPMENT OVERLAY DISTRICT (GRO), AND THE DOWNTOWN RIVERFRONT DISTRICT (DR); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*

WHEREAS, in accordance with the Charter and Pennsylvania law, the Municipal Council has the authority to enact and amend at any time it deems proper the provisions of the Municipality's General Laws including those provisions relating to zoning within the Municipality;

WHEREAS, after review of its General Laws, particularly its existing zoning regulations, Municipal Council has determined it would be in the best interest of the Municipality and consistent with the Municipality's existing Comprehensive Plan to amend its zoning code as codified in Chapter 320 to allow for consideration and approval of master plans for land development projects that may involve phased development.

NOW, THEREFORE, be it **ORDAINED** that Norristown Municipal Council amends its General Laws as follows:

SECTION I. Chapter 320, titled "Zoning," Article XXIII, Section 320-270 is hereby amended in its entirety to state as follows:

§ 320-270 Master Plan

A. Applicability.

(1) Notwithstanding any other section or provision of this Chapter, with respect to any proposed subdivision or land development involving in the aggregate, whether proposed initially or cumulatively, a gross tract area of five (5) or more acres in the Commercial Retail District (CR), Institutional District (IN), Recreation District (RE), Gateway Redevelopment Overlay

District (GRO), and the Downtown Riverfront District (DR) and involves the phasing or sequencing of the proposed project, development or construction beyond one (1) year shall be permitted only following and pursuant to the issuance of conditional use approval in accord with this Section and the general conditional use standards set forth in § 320-326.

(2) Notwithstanding any other section or provision of this Chapter, if a proposed use requires a special exception for the project or development that is subject to this Master Plan requirement based on the underlying zoning district and regulations, such special exception for said use shall be converted to a conditional use approval for said use with the same criteria and shall be included as part of the application for conditional use approval as required herein.

(3) An application for conditional use approval for a Master Plan shall be accompanied by a plan that shall be referred to as the "Master Plan," which need not be finally engineered but shall be compliant with the standards set forth in 320-270.B or elsewhere within this Chapter and shall show existing conditions upon the subject property, as well as the size and location of all proposed buildings, structures, and accessory facilities, including roads, access driveways and parking areas.

(4) The application for conditional use approval for a Master Plan shall also be accompanied by such information in graphic and/or narrative form to demonstrate to the satisfaction of the Municipality the technical and economic feasibility of compliance with all applicable standards and criteria, including, without limitation, the adequacy of the plan with respect to the accommodation of vehicular and pedestrian circulation and parking; landscaping, screening, and buffering; stormwater management; sedimentation and erosion control; active and passive recreation and open space; architectural compatibility of buildings, structures and common or public area amenities; restoration and adaptive reuse of any historic resources; transmission, treatment and disposal of sanitary sewage; and provision for necessary utilities, including potable water.

(5) The impact statements and studies as set forth under § 320-270.A(5) shall be required as part of the conditional use application for projects that include any of the following:

(a) 100 or more dwelling units;

(b) Institution or care facility with a residential component accommodating 200 or more residents;

(c) Development of 100,000 square feet or more of floor area for nonresidential institutional, commercial, office, or a combination of these uses; or

(d) *Development of 500,000 square feet or more of floor area for industrial (including data centers), manufacturing, warehousing, or a combination of these uses.*

(6) *Impact statements and studies.* *The Municipality shall be reimbursed by the applicant for all costs incurred for the review of the following studies:*

(a) *Traffic impact study.* *A traffic impact study prepared by a professional traffic engineer licensed in the State of Pennsylvania shall be provided with each development proposal, and it shall demonstrate conformity of the incremental improvements with the needed overall improvements as defined in the adopted Lafayette Street Corridor Study prepared by McMahon Associates, Inc., dated September 2000, any other traffic studies adopted subsequently by Municipal Council and the plans referenced in § 320-1, Legislative intent, and to demonstrate compliance with sound engineering practice, efficient traffic management and conformance with standards of the ITE.*

(b) *Recreation impact study.* *This study shall analyze the demand for recreational facilities that the proposed project will generate and shall determine whether adequate facilities exist or are planned or proposed. As a minimum, the study shall include the following:*

[1] *A description of the projected age breakdown of the residents and/or users of the proposed project.*

[2] *A description of recreational facilities to be provided by the developer, including a statement of the extent to which such facilities will be available to the general public.*

[3] *A description of who the responsible party(ies) will be for ownership and maintenance of recreational facilities to be provided by the developer.*

[4] *A description of existing municipal recreational facilities and the impact of the proposed project on these facilities.*

[5] *A statement of the extent to which recreational facilities to be provided by the developer will compensate for any deficiencies in the Municipality's recreational facilities created by the demand anticipated from the proposed project.*

[6] *A statement of whether the developer plans to make any financial contribution to the Municipality to compensate for the expected impact upon public recreational facilities.*

(c) Fiscal impact analysis. The fiscal impact analysis shall describe the likely impact of the project on the Municipality's tax revenue and expenditure patterns. The analysis shall include estimates of the revenues to accrue to the Municipality from the proposed project and of the costs associated with delivering services to the proposed project. The analysis shall address the impact of the proposed project on the ability of the Municipality to deliver fire, police, administrative, public works, and utility services. No specific methodology is required by the Municipality, but applicants are encouraged to contact the Municipal Finance Director to identify the most appropriate analysis methodology. The Municipality reserves the right to reject an analysis if it is insufficient in scope, misses or misrepresents key financial indicators, or is in some other way unsuitable in the reasonable determination of the Municipality. Particular aspects of the Municipality's service delivery capability to be analyzed shall include:

[1] Public works, including anticipated effects on the maintenance of roads, signal systems, sanitary sewers, stormwater management, solid waste management and recycling, open space and recreation areas, and any other functions of this department. The study shall address projected cost increases for the above-mentioned items in terms of administration, personnel, equipment, and materials.

[2] Emergency services, including anticipated effects on the demand for services from the fire and ambulance companies having jurisdiction and the Municipal Police Department, including, but not limited to, personnel, specialized equipment, vehicles, working space, and training requirements.

(d) Environment and sustainability analysis.

[1] The applicant shall provide a written analysis describing how the project will promote a healthful natural environment, support natural systems, be consistent with the principals of sustainable development that means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

[2] The analysis shall address the following as a minimum:

[a] Stormwater management from the perspective of promoting groundwater recharge, improving surface water quality, floodproofing, and flood resiliency;

[b] *Habitat preservation;*

[c] *Energy utilization, including energy efficiency, promotion of and accommodation for renewable energy sources, and inclusion of "green building" principled, if any, such as those promoted by the U.S. Green Building Council and similar organizations;*

[d] *Pedestrian and bicycle access; and*

[e] *Accessibility by the aged and differently-abled.*

[3] *Applicants shall be prepared to discuss this statement with the Municipality and the public in the course of the review process.*

(e) *Historic resources impact study. When required pursuant to the provisions of § 325-92 of this chapter, this study shall be provided with the conditional use application.*

B. *Master Plan contents.*

(1) *The Master Plan shall show the development of the entire tract.*

(2) *The Master Plan shall indicate the limits of each phase and its gross area, but no phase shall be smaller than 10% of the gross tract area of the entire tract for which the Master Plan has been created.*

(3) *The Master Plan shall indicate a sequence for the development of the phases in order to demonstrate that the phases will be constructed or developed in a manner that allows for a logical and efficient progression in the development of the roads, trails, and other public improvements as depicted on the Master Plan and the construction of the utility infrastructure that the development will require.*

(4) *The Master Plan shall demonstrate compliance with the Municipality's Zoning Ordinance and shall demonstrate the feasibility of compliance with the Municipality's Subdivision and Land Development Ordinance Chapter 276 Stormwater Management, the landscaping requirements found in Chapter 282-433 of the Municipality's Subdivision and Land Development Ordinance, and the Municipality's Design Standards found in Article XXIII Supplemental Regulations §320-243 of the Municipality's Zoning Chapter 320 from the CODE. Compliance may be demonstrated through the submission of a written impact statement as referenced in § 320-270.A(5).*

(5) *The Master Plan shall be prepared by a licensed professional engineer, architect, or landscape architect and shall include the following information as a minimum. The use of multiple sheets is encouraged in the interest of showing this information clearly.*

[a] *The legal limits of the tract and a statement of its gross and net lot area, including the property lines and gross and net lot area of all constituent parcels.*

[b] *Existing conditions on the tract, including all structures and paved areas, topography with a contour interval of not more than two feet, areas where slope exceeds 25%, woodlands, permanent streams and other surface waters, wetland areas, FEMA-designated floodways and areas of 1% annual chance of flood, critical habitat areas identified by the Pennsylvania Natural Diversity Inventory, and the boundaries of easements that limit the use of the land.*

[c] *Historic resources are identified in the Municipality's West and Central National Historic District areas that are on the tract or are within 300 feet of the tract perimeter.*

[d] *Proposed conditions, including, as a minimum:*

[1] *The footprint, massing, and use(s) of all proposed buildings, including existing buildings to remain, and including the number and type of proposed dwelling units and the approximate square footage and type of all nonresidential uses;*

[2] *Accommodations for vehicular circulation and parking, including connections to the public road network;*

[3] *Permanent open spaces and public gathering places, which may be landscaped or hardscaped and may include performance spaces, outdoor market areas, and water features;*

[4] *Provisions for public transit; and*

[5] *Provisions, including, but not limited to, cross-easements, deed restrictions, and other covenants to ensure Phasing.*

C. *Review and approval of the Master Plan.* *The Master Plan shall be reviewed and approved as a conditional use application.*

D. Status of the approved Master Plan.

(1) An approved Master Plan shall have the same status as an approved conditional use application. The development of one or more phases shown on an approved Master Plan that is consistent with the Master Plan shall not require submission of a conditional use application, even if those phases involve development that would otherwise require such application pursuant to this Chapter. Each phase of the Master Plan shall require land development approval in accordance with Chapter 282 – Subdivision and Land Development Ordinance unless otherwise approved by Municipal Council as part of the land development process.

(2) Development in accordance with the Master Plan may be undertaken in phases or sections by more than one developer or builder, with each such phase requiring land development approval in accordance with Chapter 282 – Subdivision and Land Development Ordinance unless otherwise approved by Municipal Council as part of the land development process.

(3) A land development plan for any phase may be deemed consistent with the Master Plan where the use(s) proposed by the land development plan is the same as proposed by the Master Plan and the area of the building footprint(s), the total square footage of nonresidential floor space, the total number of residential units, and the total square footage of proposed open space shown on the land development plan are all within 10% of what is shown for that phase on the Master Plan. If the building configuration(s), and/or massing of the proposed buildings, and/or public amenities shown on a land development plan are, in the determination of the Zoning Officer, significantly different from the approved Master Plan, or if they are inconsistent with the provisions of the Zoning Ordinance, the Municipality reserves the right to deny approval of the land development plan even if it complies with the preceding quantitative standards.

(4) If the Master Plan indicates a sequence for the development of its phases, out-of-sequence development of a phase or phases shall not be deemed inconsistent with the Master Plan, provided that the new sequence still represents a logical progression in the development of the tract in the determination of the Zoning Officer.

E. Amending the Master Plan.

(1) Amendments to the Master Plan or any conditions of approval shall be reviewed and approved as conditional use application in accordance with the provisions of §320-326 of this Chapter.

(2) Amendments may affect one or more unbuilt phases of an approved Master Plan, but the application must still comply with the standards of §320-270.

(3) *The configuration of the unbuilt phases may be amended, provided that no phase shall be smaller than 10% of the gross tract area of the tract shown on the original Master Plan.*

(4) *An approved Master Plan shall not be amended within one year of the date of its approval by the Municipal Council*

(5) *An amended Master Plan shall not be amended again within one years of the date of the approval of the most recent amendment by Municipal Council.*

F. Expiration of Master Plan. *Unless otherwise specified by Municipal Counsel and notwithstanding any other section or provision of this Chapter, any conditional use granted under the provisions of this Section shall expire within five (5) years from the date of authorization thereof if the applicant fails to obtain land development approval or a building permit or a certificate of occupancy, as applicable.*

SECTION II: SEVERABILITY

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.


SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by the law.


ENACTED AND ORDAINED this 2nd day of May 2023.

Seal:

**Municipality of Norristown
Municipal Council**

By: 
Thomas Lepera
Council President

Attest:


Crandall O. Jones
Municipal Administrator