

ORDINANCE NO. 2181

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, CREATING A NEW SECTION 204, MINOR PLAN SUBMISSION REVIEW PROCEDURE, AND A NEW SECTION 402, MINOR PLAN SUBMISSION REQUIREMENTS, BOTH PART OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH A PROCEDURE AS WELL AS SUBSTANTIVE REQUIREMENTS FOR SUBMISSION OF MINOR SUBDIVISION AND LAND DEVELOPMENT PLANS.

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. A new section 204, Minor Plan Submission Review Procedure, of Part 2, Applications, of Chapter 22, Subdivision and Land Development, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby created and shall provide as follows:

§ 204 Minor Plan Submission Review Procedure

Minor plans may be submitted and processed only for lot line adjustments, simple conveyances, minor subdivisions, and minor land developments, as characterized hereafter, in accordance with the standards and requirements of this section.

1. The following qualify for minor plan submission:
 - A. Lot line adjustment.
 1. A proposal between two abutting, existing, legally approved and recorded lots.
 2. A common lot line is proposed to be adjusted in terms of its location or configuration.
 3. The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.

4. No alteration will occur to the perimeter boundary lines of the lots.
5. Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) as a result of the lot line adjustment.
6. The reason for the lot line adjustment includes, but is not necessarily limited to:
 - (a) Correcting errors regarding locations of existing improvements (e.g., driveway for lot 1 is located on lot 2).
 - (b) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow).
 - (c) Preferences of the landowners involved.

B. Simple conveyance.

1. A proposal between two abutting, existing, legally approved and recorded lots.
2. A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
3. The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
4. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) so that, after conveyance, it will remain in compliance with those requirements.
5. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance (Chapter 27), provided that it shall be deed restricted to the extent that it may not be transferred independently but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

C. Minor subdivision.

1. A subdivision proposal which would divide one existing lot into two lots, both of which will comply with the applicable dimensional requirements of the Zoning Ordinance (Chapter 27) district in which the existing lot is located.

2. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Borough requirements for lot frontage and access to a public street for both proposed lots.
3. The subdivision will not require new road construction, road improvements or the extension of existing public utility lines.
4. The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Borough Engineer.
5. Disqualification. Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

D. Minor land development.

1. Any of the following:
 - (a) A land development proposal where it is found that the intended development or modification of a site or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within Part 5.
 - (b) Parking lot expansions.
 - (c) Additions to existing nonresidential buildings, provided that the addition is less than 5,000 gross square feet and involves no more than a twenty-five-percent increase in the size of the existing building.
 - (d) The conversion of a residential dwelling that results in the creation of no more than two new dwelling units.
 - (e) The addition of tenants to an existing nonresidential building when minimal structural improvements are required.
2. Disqualification. Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

2. Minor Plan Submissions and Review Procedures.

- A. All minor plans shall be considered to be preliminary plans for the purposes of submission for review and approval and shall comply with the requirements of Part 2.