

ORDINANCE NO. 2196

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, IN ORDER TO DELETE REDUNDANCIES RELATED TO FLOODPLAIN REGULATIONS; REDUCE MINIMUM PARKING REQUIREMENTS FOR THE DOWNTOWN DISTRICT; AND AMEND THE REGULATIONS FOR SWIMMING POOLS, INCLUDING STORABLE POOLS.

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. Sections 339, Overlay District; 340, Floodplain Boundaries; and 341, Floodplain Regulations of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, are hereby deleted in their entirety as the floodplain is regulated by Chapter 8, "Floodplains."

SECTION 2. Subsection 601(4), Off-Street Parking Standards – Number of Spaces, of Part 6, Parking, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance is hereby amended to include the following subpart (C) which shall read as follows:

- C. Uses permitted in the Downtown District pursuant to § 320, Downtown, of this Chapter are exempted from the minimum parking requirements contained in subsections (A) and (B); provided that the habitable space of the residential portion of any mixed use does not increase more than 500 square feet beyond its footprint as of the effective date of this ordinance by means of constructing either added stories or building additions. If the footprint of the habitable space within the residential portion of such a mixed use increases more than 500 square feet beyond its footprint as of the date of the effective date of this

ordinance, the entirety of the residential portion of the use shall then be subject to the regulations contained within this subsection.

SECTION 3. The definition for “Swimming Pool” contained in Section 1400, Definitions, of Part 14, Definitions, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby deleted and replaced with the following definitions:

Swimming Pool – A pool constructed or installed outside of a completely enclosed building, capable of holding at least twenty-four inches of water, and which otherwise meets one of the following definitions:

Swimming Pool, Above-Ground – A pool constructed at ground level, regardless of its dimensions.

Swimming Pool, In-Ground – A pool constructed below ground level, regardless of its dimensions.

Swimming Pool, Storable – A type of Above-Ground Pool installed and designed to be removed seasonally which is constructed or manufactured with nonmetallic, molded polymeric, inflatable, or fabric walls.

SECTION 4. Subsection 507(7), Swimming Pools, of Part 5, General Regulations, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby to read as follows:

- A. Swimming Pools shall be used solely for occupants and guests of the property.
- B. In order to prevent uncontrolled access to a Swimming Pool from the street or adjacent properties, the property must either construct a fence or wall around the perimeter of the pool area or the yard where the pool is located.
- C. Swimming Pools shall not be located in the front yard.
- D. Storable Swimming Pools must be drained and removed before October 1st each year.
- E. Storable Swimming Pools may be located no less than four feet from the side lot line and/or four feet from the rear lot line, where applicable. All other Swimming Pools may be located no less than seven feet from the side lot line

and ten feet from the rear lot line, where applicable. Storable Swimming Pools which cannot or is not drained and removed by October 1st will be subjected to the setback requirements for non-storable pools.

- F. Occupants must obtain a permit from Licensing and Inspections for all new or replacement pools prior to construction or installation; provided, however, that a new permit is not required for the annual setup of a Storable Pool of the same dimensions are submitted pursuant to the original application and it is erected in the same location.

SECTION 5. 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 6. Reenactment. All other parts of Chapter 27, Zoning, of the Pottstown Borough Zoning Ordinance, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance; and Chapter are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and **ORDAINED** this 13th day of APRIL, 2020.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY: 

Dan Weand, President

ATTEST: Virginia L. Takach
Virginia L. Takach, Secretary

Approved this 23 day of
April, A.D., 2020.



Stephanie Henrick, Mayor