

ORDINANCE NO. 357

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP
SPECIFICALLY CHAPTER 205, KNOWN AS THE EAST NORRITON
TOWNSHIP ZONING ORDINANCE, BY ADDING A NEW DISTRICT
TO BE ENTITLED THE C-1 COMMERCIAL DISTRICT AND
OTHER REGULATIONS IN CONNECTION THEREWITH

The Board of Supervisors of East Norriton Township,
Montgomery County, Pennsylvania, under and by virtue of
authority granted by the Second Class Township Code, does
hereby enact and ordain:

Part 1: Add the following new definitions "Club" and
"Conditional Use" to Section 205-5 in alphabetical
order to read as follows:

CLUB - A place where members of a fraternal,
cultural or religious organization hold meetings.
Such use shall occur only within a building and
shall not include facilities for temporary or
continuous rental of rooms or dwelling units.

CONDITIONAL USE - A use which may be allowed or
denied pursuant to express standards or criteria
by the Township Board of Supervisors in accordance
with Article XXI after a public hearing and
reviewing comments by the Township Planning
Agency, to occupy or use land and/or buildings or
structures for specific purposes in accordance
with the Zoning Ordinance, when such use is not
permitted by right. The burden of proving
compliance with the express standards and criteria
applicable shall be on the applicant. The
Township Board of Supervisors may attach such
reasonable conditions and safeguards, in addition
to those expressed in the Zoning Ordinance, as it
may deem necessary to implement the purposes of
the Zoning Ordinance.

Part 2: Article III, Districts; Boundaries, Section 205-6 shall be amended by adding a new District: C-1 Commercial District.

Part 3: Add a new zoning district Article XIII.A. entitled C-1 Commercial District to read as follows:

Article XIII.A
C-1 Commercial District

Section 205-66.1. Declaration of Legislative Intent.

In expansion of the Statement of Community Development Objectives contained in Article I, Section 205-3, of this chapter and pursuant to the East Norriton Township Comprehensive Plan - 1994, it is hereby declared to be the intent of this Article with respect to the C-1 Commercial District to allow for professional and business offices and certain commercial uses, adjacent to commercial and residential areas along major highways, which would be compatible with the uses in such areas. Specifically, it is the intent of this Article to:

- A. Allow professional and commercial uses adjacent to residential areas which would be compatible with residential uses and less intense and of a smaller scale than uses typically associated with the C - Commercial District.
- B. Encourage small scale professional, business, and certain commercial uses in existing structures, especially occupant-operated enterprises.
- C. Encourage the reuse of noteworthy structures, now or lately used as residences, and discourage the demolition of such structures.
- D. Encourage the preservation of the residential character of neighborhoods adjacent to the district.
- E. Provide for services generally useful to and in harmony with adjacent residential neighborhoods.

Section 205-66.2. Permitted Uses.

- A. A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:
- (1) The retail sale of dry goods, variety and general merchandise, clothing, food, flowers, beverages, drugs, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods or musical, professional or scientific instruments.
 - (2) Barbershops, hairdressers, cleaning and pressing, pickup stations and such other shops for personal service.
 - (3) Tearooms, confectioneries or similar establishments serving food or beverage.
 - (4) Business or professional offices, studios, banks and financial institutions, telephone exchanges or other public utility offices, passenger stations for public transportation, municipal buildings and firehouses.
 - (5) Clubs or fraternal organizations.
 - (6) Greenhouses and nursery sales yards.
 - (7) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including dwellings, provided that such accessory uses shall be located at or above the second-story level.
 - (8) The following uses, when authorized as special exceptions:
 - (a) Any use of the same general character as any of the above permitted uses.
 - (b) Undertaking establishments.
 - (c) Day-care centers, provided that any state licensing requirements are met.

(9) Single family detached dwelling in accordance with the regulations of Section 205-30 (the BR - Residential District).

B. No use which is specifically permitted in the I Industrial District shall be permitted in the C-1 Commercial District.

Section 205-66.3. General Regulations.

- A. Lot area. There shall be a minimum lot area of fifteen thousand (15,000) square feet.
- B. Building area. No more than forty percent (40%) of the lot area shall be occupied by buildings.
- C. Building setback from streets. There shall be a setback from the ultimate right-of-way of fifty (50) feet.
- D. Side yard. Side yards shall be twenty (20) feet each, except where a C-1 Commercial District abuts any residential or institutional district, and then the side yard which abuts the other district shall be increased to sixty (60) feet.
- E. Rear yard. Rear yards shall be fifty (50) feet deep.
- F. Height regulation. The maximum height of any building or structure shall be thirty-five (35) feet.
- G. Parking. Off-street parking and loading areas shall be provided in accordance with Article XVIII of this chapter.
- H. Lighting. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties, whether contiguous or not, from unreasonable direct glare or hazardous interference of any kind.
- I. Signs. Signs shall be permitted only in accordance with the provisions of Article XIX of this chapter.

- J. Outdoor sales. No outdoor sales shall be permitted, and all business shall be conducted within a completely enclosed building, except for off-street parking and the sale of specialty items such as Christmas trees and living plants which by their nature require outdoor sales. The outdoor sale of such specialty items shall require a special use permit issued by the Zoning Officer and be subject to the following conditions:
- (1) Sales events must be temporary in nature, not to exceed thirty (30) days.
 - (2) No sales event shall use more than twenty-five percent (25%) of the usable lot area.
 - (3) Application for the special use permit must be made, in writing, to the Zoning Officer and must be executed by both the property owner and the proposed land user.
 - (4) A nonrefundable permit fee of one hundred dollars (\$100.00) and an escrow fee of two hundred dollars (\$200.00) to ensure restoration of the area to its former condition must accompany the application. The escrow fee is not required when the outdoor sale is conducted by the property owner.
 - (5) No temporary structures, no vehicles or parts of vehicles may be used to store merchandise for sale.
 - (6) All applicants shall provide safe and adequate off-street parking and adequate traffic and crowd control.
 - (7) All appropriate township licenses, taxes and permits must be obtained from the township prior to issuance of this special use permit.
- K. Width requirement. The minimum width at the building line shall be one hundred (100) feet.
- L. The minimum distance between buildings shall be at least thirty (30) feet.

- M. Landscaping, including conservation of existing trees and woodlands, street trees, stormwater basin landscaping and site element screens, shall be provided in accordance with the provisions of Chapter 175, Subdivision and Land Development.

Part 4: Add a new section entitled 205-66.4 to read as follows:

Section 205-66.4. Development Requirements.

- A. A use must utilize an existing building where one exists for its purposes including up to twenty-five percent (25%) floor area expansion to the side or rear of the building unless a conditional use approval has been granted by the East Norriton Township Board of Supervisors to permit a greater alteration or removal of said building.

Part 5: Add a new section 205-137.1 to Article XXI, Administration, to read as follows:

Section 205-137.1. Conditional Use Procedures.

Whenever a conditional use is authorized pursuant to the terms of this chapter, as amended, the procedures for application and review of requested conditional uses shall be as follows:

- A. Written request. The landowner shall make a written request to the Board of Supervisors that it hold a hearing on his or her application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are in issue.
- B. Plans and accompanying documents. The application shall be accompanied by plans and other materials in accordance with Article XXII. If the application shall involve a subdivision or land development, then plans prepared in accordance with the requirements of Chapter 175, Subdivision And Land Development, of the Code of the Township of East Norriton shall be filed for review as well.

- C. Hearing on conditional use request. The Board of Supervisors shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents, in writing, to an extension of time.
- D. Decision on conditional use request. In allowing a conditional use, the Board of Supervisors may attach reasonable conditions and safeguards as may be deemed necessary to implement the purposes of this chapter and to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony.

Part 6: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be separate, distinct, and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Part 7: Ratification. This Ordinance shall in no other way affect, amend, or modify the Code of East Norriton Township.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this ~~day of~~ *13th* day of *November*, 1995.

ATTEST:

Helmut J. V. ...
Secretary

BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP.

By: *...*
Chairman

