

ORDINANCE NO. 515

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 FOR THE PURPOSES OF AMENDING §205-4, WORD USAGE, §205-17.A, MINIMUM SETBACK OF TEMPORARY STRUCTURES, §205-25.F, LANDSCAPING, §205-30.3.E, BUILDING COVERAGE, §205-30.3.G, LANDSCAPING, §205-30.7.L, LANDSCAPING, §205-34.P, LANDSCAPING, §205-39.F, LANDSCAPING, §205-44.O, LANDSCAPING, §205-44.P, BUILDING PERFORMANCE STANDARDS, §205-44.4.O, BUFFER AND LANDSCAPE REQUIREMENTS, §205-66.J, OUTDOOR SALES, §205-68.D, PERMITTED USES, §205-68.M(1), PERMITTED USES, §205-72, PERMITTED USES, §205-81, POWER SERVICE LINES, §205-82, WASTE DISPOSAL, §205-83, WATER REQUIREMENTS, §205-94.J PERMITTED USES, §205-96, SPECIAL EXCEPTION USES, §205-96.C, STORM SEWERS OR IMPOUNDMENT BASINS, §205-98, STANDARDS FOR APPROVAL OF EXCEPTIONS OR VARIANCES, §205-99, STANDARDS FOR APPROVAL OF EXCEPTIONS OR VARIANCES, §205-110.E, SIGNS PERMITTED IN RESIDENTIAL DISTRICTS, §205-142.F(3), POWERS AND DUTIES, §205-142.J, POWERS AND DUTIES, AND REPEALING ANY INCONSISTENT PROVISIONS THEREWITH

WHEREAS, §1506 of the Second Class Township Code, as amended, and found at 53 P.S. 66506, entitled "General Powers", authorizes the Township Board of Supervisors to make and adopt ordinances, bylaws, rules and regulations, not inconsistent with or constrained by the Constitution and the laws of the Commonwealth necessary for the proper management, care, and control of the Township and the maintenance of the peace, good government, health, and welfare of the Township and its citizens; and,

WHEREAS, §1516 of the Second Class Code, as amended, and found at 53 P.S. § 66516, entitled "Land use regulations", authorizes the Township Board of Supervisors to plan for development of the township through zoning, subdivision and land development regulations; and,

WHEREAS, the Board of Supervisors of the Township of East Norriton has met and/or will meet the procedural requirements of 53 P.S. §10101 et. seq. of the Pennsylvania Municipalities Planning Code, for the adoption of a proposed ordinance, including holding a public hearing; and,

WHEREAS, the Board of Supervisors of the Township of East Norriton, after due consideration of the proposed ordinance at the duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of East Norriton will be served by providing for the following amendments and enacting provisions related thereto.

NOW, THEREFORE, BE IT ENACTED and **ORDAINED** by the Board of Supervisors of East Norriton Township and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1. CODE AMENDMENTS:

ARTICLE II, §205-4, Word usage, is hereby amended by adding a definition of “BAR TAVERN OR TAPROOM” to read as follows:

§205-4 BAR TAVERN OR TAPROOM – An establishment primarily devoted to the serving of alcoholic beverages by the drink and in which food service is incidental to consumption of such beverage.

ARTICLE II, §205-4, Word usage, is hereby amended by deleting the definition of “FAMILY” and replacing it with the following definition:

§205-4 FAMILY – Any number of individuals related by blood or marriage, including adopted children, foster children or minor children under the legal custody of an adult, living together as a single nonprofit housekeeping unit and doing their cooking on the premises on a single cooking facility; including two gratuitous guests. Family shall exclude, however, occupants of a club, fraternity house, lodge, residential club or rooming house. Family shall be deemed to include unrelated persons with disabilities living together as a functional family equivalent.

ARTICLE II, §205-4, Word usage, is hereby amended by adding a definition of “FENCE, OPEN” to read as follows:

§205-4 FENCE, OPEN – An open fence shall be a minimum of forty percent (40%) transparent as measured from the top rail or top of board to the bottom rail or bottom of board of the fence.

ARTICLE II, §205-4, Word usage, is hereby amended by adding a definition of “RESTAURANT” to read as follows:

§205-4 RESTAURANT – An establishment where food is prepared and served and where food sales constitute more than 80% of the gross sales.

ARTICLE II, §205-4, Word usage, is hereby amended by adding a definition of “SPECIAL OUTDOOR EVENTS” to read as follows:

§205-4 SPECIAL OUTDOOR EVENTS – A temporary outdoor use that extends beyond the normal uses allowed within the district and subject to a special use permit that may be issued by the Zoning Officer. Special outdoor events are limited to lawful retail sales, art shows, car shows, sidewalk sales, Christmas tree sales, carnivals, grand openings, festivals and customary activities generally associated with the property where the special outdoor event is to be located.

ARTICLE IV, §205-17.A, Minimum setback of temporary structures, is hereby deleted and replaced with the following:

§205-17.A For temporary structures of up to 168 square feet, there shall be a minimum setback of five feet from any side or rear property line. The placement of any temporary structure shall not be any further forward than the rear wall of the primary structure, shall not be located in the front yard, in any easement or in any drainage way that would affect the overall public interest. A temporary structure shall not exceed 14 feet measured to its highest point.

ARTICLE V, §205-25.F, Landscaping, is hereby deleted and replaced with the following:

§205-25.F Reserved.

ARTICLE VIA, §205-30.3.E, Building coverage, is hereby deleted and replaced with the following:

§205-30.3.E The building coverage shall not exceed 24% of the total lot area.

ARTICLE VIA, §205-30.3.G, Landscaping, is hereby deleted and replaced with the following:

§205-30.3.G Reserved.

ARTICLE VIB, §205-30.7.L, Landscaping, is hereby deleted.

ARTICLE VII, §205-34.P, Landscaping, is hereby deleted and replaced with the following:

§205-34.P Reserved.

ARTICLE VIII, §205-39.F, Landscaping, is hereby deleted and replaced with the following:

§205-39.F Reserved.

ARTICLE IX, §205-44.O, Landscaping, is hereby deleted and replaced with the following:

§205-44.O Reserved.

ARTICLE IX, §205-44.P, Building performance standards, is hereby deleted and replaced with the following:

§205-44.P Reserved.

ARTICLE IXA, §205-44.4.O and subsections (1) and (2) thereunder, Buffer and landscape requirements, are hereby deleted and replaced with the following:

§205-44.4.O Reserved.

ARTICLE XIII, §205-66.J and subsections (1) through (7) thereunder, Outdoor sales, are hereby deleted and replaced with the following:

§205-66.J Reserved

ARTICLE XIV, §205-68.D Permitted uses, is hereby deleted and replaced with the following:

§205-68.D(1) Dine-in restaurants, excluding those, however, with drive-in service, drive-through service or walk-up service which shall be prohibited.

§205-68.D(2) Bakeries, confectionery or custom shops for the production of articles sold at retail on the premises, provided that all baking or processing is conducted in accordance with Subsection H below.

ARTICLE XIV, §205-68.M(1), Permitted uses, is hereby deleted and replaced with the following:

§205-68.M(1) Bars, taverns, taprooms and restaurants offering drive-in service, drive-through service or walk-up service.

ARTICLE XV, §205-72, Permitted uses, is hereby amended by adding §205-72.H which shall read as follows:

§205-72.H Construction/demolition waste landfills when authorized by conditional use and when proposed, operated and maintained in accordance with §205-72.1 of this article.

ARTICLE XV, §205-81, Power service lines, is hereby deleted and replaced with the following:

§205-81 Reserved.

ARTICLE XV, §205-82, Waste disposal, is hereby deleted and replaced with the following:

§205-82 Reserved.

ARTICLE XV, §205-83, Water requirements, is hereby deleted and replaced with the following:

§205-83 Reserved.

ARTICLE XVII, §205-94.J, Permitted uses, is hereby added to read as follows:

§205-94.J Storm sewer piping which conveys storm water from a storm water management facility or impoundment basin to its point of final discharge.

ARTICLE XVII, §205-96, Special exception uses, is hereby deleted and replaced with the following:

§205-96 Within the Floodplain Conservation District the following uses may be permitted by special exception:

ARTICLE XVII, §205-96.C, Storm sewers or impoundment basins, is hereby deleted and replaced with the following:

§205-96.C Storm sewers or impoundment basins including collection piping leading thereto.

ARTICLE XVII, §205-98, Standards for approval of exceptions or variances, is hereby deleted and replaced with the following:

§205-98 Special exceptions and variances.

ARTICLE XVII, §205-98.A, Standards for approval of exceptions or variances, is hereby deleted and replaced with the following:

§205-98.A Reserved.

ARTICLE XVII, §205-98.B(8), Standards for approval of exceptions or variances, is hereby deleted and replaced with the following:

§205-98.B(8) A determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

ARTICLE XVII, §205-98.B(9), Standards for approval of exceptions or variances, is hereby deleted and replaced with the following:

§205-98.B(9) Reserved.

ARTICLE XVII, §205-98.C, Standards for approval of exceptions or variances, is hereby deleted.

ARTICLE XVII, §205-99.D, Standards for approval of exceptions or variances, is hereby deleted.

ARTICLE XVII, §205-99.E, Standards for approval of exceptions or variances, is hereby deleted.

ARTICLE XIX, §205-110.E, Signs permitted in residential districts, is hereby deleted and replaced with the following:

§205-110.E For Residential and Professional and Residential Office district uses: One freestanding sign, not to exceed twenty square feet which shall be placed a minimum of ten feet from the ultimate right of way. Such signs may not exceed six feet in height and shall only be illuminated by an external source which shall be shielded from view in accordance with §205-122.C.

ARTICLE XXII, §205-142.F(3), Powers and duties, is hereby deleted.

ARTICLE XXII, §205-142.J, Powers and duties, is hereby added to read as follows:

§205-142.J

A variance or special exception shall lapse one year after the date of its grant unless a building permit has been obtained to affect such variance or special exception. When the property is the subject of a subdivision or land development application any variance or special exception shall lapse one year after the date on which the subdivision or land development application has been waived or receives preliminary and/or final approval from the East Norriton Township Board of Supervisors unless a building permit has been obtained to affect such variance or special exception.

SECTION 2. Severability.

In the event that any section, sentence, clause, phrase 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 enforcement of any of the remaining portions of this ordinance.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 4. Effective Date.

This ordinance shall become effective five days after its adoption by the East Norriton Township Board of Supervisors.

ORDAINED and ENACTED by the Board of Supervisors of East Norriton Township this 28th day of April, 2009.



BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

Lewis K. McJeans
Chairman

ATTEST:

Bill J. Olt

Secretary