

UPPER POTTS GROVE TOWNSHIP
MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 525

AN ORDINANCE OF THE TOWNSHIP OF UPPER POTTS GROVE, MODIFYING THE ZONING ORDINANCE, CHAPTER 350, AND ZONING MAP BY AMENDING: (1) SECTION 350-66, USE REGULATIONS FOR THE R-1 ZONING DISTRICT; (2) SECTION 350-12, REGULATIONS APPLICABLE TO ALL DISTRICTS; (3) REPEALER AND RATIFICATION; (4) SEVERABILITY; (5) ENACTMENT AND EFFECTIVE DATE

WHEREAS, Upper Pottsgrove Township adopted and enacted a Zoning Ordinance in 1976 ("Zoning Ordinance") and has amended the same from time to time;

WHEREAS, Upper Pottsgrove Township adopted a Zoning Map ("Zoning Map") identifying the applicable zoning district for every property within Upper Pottsgrove Township; and

WHEREAS, the Board of Commissioners of Upper Pottsgrove Township has determined that revisions are needed to the Zoning Ordinance to add certain regulations and to amend and correct other sections of the Zoning Ordinance.

NOW, THEREFORE, it is hereby ordained and enacted by the Board of Commissioners of Upper Pottsgrove Township, Montgomery County, Pennsylvania, that the Zoning Ordinance and Zoning Map shall be amended as follows:

I. Amendment to Zoning Ordinance to modify regulations R-1 Zoning District use regulation. Section 350-66 of the Zoning Ordinance shall be amended to read as follows:

§350-66 Use regulations.

In an R-1 Residential District a building or structure may be erected, altered or used and a lot or premises may be used or occupied for any of the following reasons:

A. Single-Family detached dwellings, as outlined below:

- (1) Neighborhood lotting. As a permitted use on lots subdivided from tracts of five acres or more, when said tracts are contained entirely within the sewer service area as determined by the Township's Act 537 Plan, existing as of the date of adoption of this chapter, when done as any neighborhood lotting as outlined in this article. Any residential development proposed under neighborhood lotting shall have a minimum of five building lots.

(2) Standard lotting.

- (a) As a permitted use on lots subdivided from tracts less than five acres in size or on a lot existing as of the date of adoption of this chapter, when done in compliance with the standards of §§ 350-67, 350-70, 350-71, "standard lotting," and § 350-73A of the R-1 District; such lots do not need to comply with any other requirements of the R-1 District.
- (b) As permitted on lots in excess of five acres so long as the lots can be created through the minor subdivision process pursuant to § 310-10. Such lots to be created through the minor subdivision process must satisfy all of the following conditions:
 - (i) Contains four lots or less.
 - (ii) Has not been part of a subdivision submitted within the past three years.
 - (iii) Presently fronts on a physically improved street that is legally open to the public.
 - (iv) Will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements.
 - (v) Requires a variance(s) for no more than one of the proposed lots on which new construction will occur or may occur in the future.
 - (vi) Is in general conformance with the Township Comprehensive Plan and other plans.
- (c) As a conditional use on lots subdivided from tracts of five acres or more, existing as of the October 27, 1976, when done in compliance with the standards of §§ 350-67, 350-70, and 350-71 (standard lotting) and § 350-73A, with all conditional use standards in § 350-74 of this article.

- B. Agricultural activities of the following types:
 - (1) The cultivation, harvesting and sale of crops and related farm products.
 - (2) The raising and sale of livestock or fowl and associated pasture and grazing land.
 - (3) Orchards, nurseries, greenhouses and related horticultural uses.
- C. Open land uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center and similar uses.
- D. Parks and recreation areas for non-intensive uses, including golf courses (excluding driving range or miniature golf), hiking, bicycling or bridle trails, picnic areas, playing fields and similar uses.
- E. Accessory uses on the same lot with and customarily incidental to any permitted residential use, in compliance with this chapter.
- F. No-impact home-based business shall be permitted by right, except that such permission shall not supersede any deed restrictions, covenant, or agreement restricting the use of land nor any master deed, by law or other documents applicable to a common interest ownership community.

II. Amend Article III, Zoning District Classifications to add exemption for Township owned land and buildings. Section 350-12 of the Zoning Ordinance shall be amended to read as follows:

§350-12 Federal, state and Township owned property.

- A. Whenever federal- owned or state-owned property or property owned by any federal or state agency or any political subdivision thereof is included in one or more zoning districts, it shall be subject to the provisions of this chapter, only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.
- B. Township owned land and buildings. The provisions of this chapter shall not apply to land and buildings owned by Upper Pottsgrove Township and used for its governmental purposes.

III. Repealer and Ratification.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. The remainder of the Zoning Ordinance, which is unaffected by the present ordinance, shall remain in full force and effect, and the same is hereby ratified and affirmed.

IV. Severability.


Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

V. Enactment and Effective Date.

This Ordinance shall be effective in five days and shall remain in force until modified, amended or rescinded by Upper Pottsgrove Township, Montgomery County, Pennsylvania.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Upper Pottsgrove this 20th day of May, 2024.

Attest:


Jeannie DiSante, Secretary

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS**

BY:


Trace Slinkerd, President