

# ORDINANCE REVIEW COMMITTEE MEETING MINUTES

Pottstown Borough Hall Council Chamber Room and Go To Meeting  
100 E. High St Pottstown, PA 19464  
Wednesday, July 20, 2022, 2:00 pm

Councilor Members Present: Ryan Procsal, Treinta Lindsay

Additional Present: Matthew Hovey; Assistant Borough Solicitor, Justin Keller; Borough Manager, Danelle Baer; Montgomery County Planning Commission, Keith Place; Director Licensing & Inspections, Frank Hand; Fire Chief, Michael Markovich; Police Chief, Winter Stokes; Zoning/Planning Administrator, and Peggy Lee-Clark; PAED

Meeting called to order by Mr. Procsal at 2:00 p.m.

**I. Call to Order**

**II. Initial Public Comment-** No members of the public were present.

**III. Ordinance Review – Ongoing Projects**

**Registration of Vacant Commercial Units** (Chapter 5, Part 15)

Mr. Hovey presented the proposal. Registration will be by unit. Wavier requests are provided as an option. Registration will roll over to new owners until the annual expiration date. Vacancy registration required for units vacant for over 60 days. Active marketing qualifications will be reviewed for modification. Enforcement will be through Ordinances already in effect.

The Committee discussed whether registrations will be tied to the property or the owner. The Committee agreed that registration would be tied to the property. The current proposal already requires information concerning ownership to be updated within 10 days of any change. Language to be added though to note that any refund of mandated fees will be returned to the current property owner, not necessarily the original owner.

The Committee also discussed whether other bona fide sales agents other than licensed real estate agents should be included in the definition for Actively Marketed for Sale or Lease. The Committee agreed that PADE should be included.

Mr. Procsal and Ms. Lindsay recommended to forward this proposal to Council for formal consideration with the changes discussed.

**Zoning Regulations for Downtown Business Hours** (Chapter 27)

Mr. Hovey presented the proposal. Businesses will be restricted to closure between 12 a.m. and 6 a.m. Restaurant/Tavern/Bar and similar business will close between 2 a.m. and 6 a.m.

Mr. Procsal and Ms. Lindsay recommended to forward this proposal to Council for formal consideration.

**Interpretation Guidance for Zoning Ordinance** (Chapter 27)

Mr. Hovey presented the proposal. Modifications proposed to clarify Zoning Officer powers and interpretation for specific uses.

Mr. Procsal and Ms. Lindsay recommended to forward this proposal to Council for formal consideration.

**Dumpsters for Contiguous Properties** (Chapters 20, 22, and 27)

Mr. Keller provided background, then Mr. Hovey presented details the proposal. Definitions will be added for “Dumpster”. Solid Waste Storage Units should then be permitted only in the HM zoning district.

The Committee discussed whether dumpsters should be permitted on existing parking spaces in the Downtown where parking is limited. The current proposal restricts the placement of dumpsters on existing parking spaces. The Committee agreed to retain that restriction in the proposal and to allow Council to ultimately decide whether any revisions are necessary.

The Committee also recommended that solid waste storage units only be permitted in the Heavy Manufacturing District if a definition for dumpster is adopted.

Mr. Procsal recommended to forward this proposal to Council for formal consideration with the proposed change for solid waste storage units.

**Regulation of Hookah Lounges and Smoking Rooms** (Chapter 27)

Ms. Baer presented similar ordinances for the Committee’s review. Uses to be allowed only by Special Exception. The group supported reduction of the distance between Hookah uses but keeping a 1,200 feet distance for Tobacco/Smoke Shop/Store uses. Parking restrictions will be revisited. It was suggested to specifically not permit “games of chances” within Tobacco/Smoke Shop/Store uses. Highway Business and Downtown zoning districts should be considered for allowance.

Mr. Procsal approved the preparation of a substantive proposal for an ordinance amendment to address these uses.

IV. **Ordinance Review – New Projects and Topics**

**Fireworks Ordinance** (Chapter 6) / New Legislation Update

Mr. Hovey, Chief Markovich, and Chief Hand reviewed changes to State legislation for fireworks. The Committee agreed that our Ordinance should be revised of match the new State law.

Mr. Procsal and Ms. Lindsay recommended to forward this recommendation to Council for formal consideration.

**Regulation of Airbnbs and Short-Term Rentals** (Chapter 27)

Ms. Baer presented other Short Term Rental ordinances for the Committee’s review. Mr. Hovey explained that the Zoning Ordinance, in its current form, could be read to preclude this type of use. Mr. Procsal agreed that the use should be permitted in some form with reasonable regulations. Mr. Procsal did not support, however, renting of individuals rooms within a home, only full house rentals.

Mr. Procsal approved the preparation of a substantive proposal for an ordinance amendment to address these uses.

- V. **Other Public Comment** Ray and Mike Ammouri joined the meeting as Downtown hours were being discussed. As such, Public Comment was reopened at this time. Ray Ammouri suggested Airbnb uses be registered with the Police Dept. and supported the idea in general. Mike Ammouri agreed the renting of rooms should not be allowed. Higher quality should be expected. Mike also commented on Hookah uses- they should offer tea, coffee, have the correct ventilation.

VI. **Ordinance Amendments to be Submitted to Council**

Mr. Hovey noted that the Committee previously approved recommendations to Council to removal ash trees from the permissible species list in the SALDO, as well as the repeal of the obsolete floodplain regulations § A339 of the Zoning Ordinance. The Committee held these recommendations though until other substantive recommends could be made. These will be forwarded at this time.

- VII. **Adjournment** at 3:40

**The next meeting is advertised for October 19, 2022 at 2:00pm.**

WLS