

ORDINANCE 2012- 02

AMENDING THE WEST POTTS GROVE TOWNSHIP ZONING ORDINANCE OF 2009,
AS AMENDED, BY AMENDING SECTION 300 (ENTITLED "DISTRICTS") THEREOF
TO ADD A NEW RCO ROUTE 100 COMMERCIAL OVERLAY DISTRICT
ZONING DISTRICT DESIGNATION

WHEREAS, West Pottsgrove Township desires to balance the tax base in its communities and provide jobs and services; and

WHEREAS, West Pottsgrove Township desires to encourage the logical extension of non-residential uses and new residential uses in a location which is adjacent to an area already zoned and developed as a regional retail center; and

WHEREAS, West Pottsgrove Township desires to provide standards for development of said area that encourage attractive design and mitigate the impact of development on adjacent residential areas.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED this 5th day of December, 2012, by the Board of Commissioners of West Pottsgrove Township, Montgomery County, Pennsylvania, as follows:

SECTION 1. ZONING TEXT AMENDMENTS.

A. The West Pottsgrove Township Zoning Ordinance of 2009, as amended, §300 (entitled "Districts") thereof, is hereby amended as follows:

For the purpose of this ordinance, the township is hereby divided into nine (9) districts, which shall be designated as follows:

PRC	Planned Retail Center
CB	Commercial Business District
I	Industrial District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Mixed Density Residential District
RR	Resource Recovery District
RR-1	Resource Recovery & Recycling District
RCO	Route 100 Commercial Overlay District

B. The West Pottsgrove Township Zoning Ordinance of 2009, as amended, §420 (entitled "Fences and Walls"), Subsection B.1 thereof, is hereby amended as follows:

1. Shall not exceed 4 feet in height in the R-1, R-2 and R-3 Districts.

C. The West Pottsgrove Township Zoning Ordinance of 2009, as amended, is amended to add a new Article XXIII, thereto as follows:

Article XXIII. RCO Route 100 Commercial Overlay District.

§2300. Declaration of Legislative Intent.

It is the intent of this article to provide regulations for commercial land uses that are generally consistent with the goals and objectives of the Pottstown Metropolitan Regional Comprehensive Plan and the following objectives:

- A. Encourage retail and office uses in a location which is adjacent to area already zoned and developed as a regional retail center.
- B. Generate economic benefits for the Township
- C. Encourage attractive design.
- D. Mitigate impact of development on adjacent residential districts.

§2301. Permitted Uses and Structures.

In the RCO Route 100 Commercial Overlay District, a building may be erected, altered or used and a lot may be used for any of the following uses and no other, in compliance with the performance and dimensional standards contained in this article.

A. By-Right Uses

- (1) Retail Store.
- (2) Restaurant, including restaurants with drive-up/drive-through service, subject to §454.
- (3) Bank, including banks with drive-up/drive-through service.
- (4) Professional office
- (5) Real Estate office
- (6) Studio for dance, music, fitness, art or photography
- (7) Personal service shop
- (8) Business or trade school
- (9) Indoor amusement
- (10) Medical Clinic
- (11) Grocery Store
- (12) Convenience Store
- (13) Parks or Open Space
- (14) Hotel or Motel, subject to §427 and §2100.H.14
- (15) Shopping Center

B. Conditional Uses

- (1) Car Wash, subject to §2100.H.7.
- (2) Community Center, subject to §411 and §2100.H.18
- (3) Day Care, Child, subject to §413 and 2100.H.12
- (4) Nursery/Garden Center
- (5) Uses not listed in this article that are determined by the Township Board of Commissioners to be of a similar nature to the uses permitted by right listed in §2301.A.

C. Accessory Uses

- (1) Automobile fueling stations are permitted as an accessory use to a grocery store or convenience store.
- (2) Accessory uses are to be permitted when located on the same lot with and customarily incidental to any of the aforementioned permitted uses.

- D. Prohibited Uses.
- (1) Adult Uses
 - (2) Night Clubs
 - (3) After-Hours Club

§2302. Dimensional Standards, Access and Use Regulations

A. Dimensional Standards

Minimum tract area	15 gross acres
Minimum tract width at right-of-way line	200 feet
Maximum impervious coverage (percent of gross tract area)	75%
Minimum building setback from street ultimate right-of-way line or property line	50 feet
Minimum building setback from existing dwelling or residential zoning district	50 feet
Minimum setback for parking/loading areas from street ultimate right-of-way line or property line	25 feet
Minimum parking spaces, aisles and driveways setback from buildings	5 feet
Maximum height	35 feet or 3 stores, except hotels or motels, which shall not exceed 50 feet in height; 30 feet for automobile fueling station canopy; 15 feet for other accessory structures

B. Access.

- (1) Access to the RCO Route 100 Commercial Overlay District acreage in West Pottsgrove Township shall be from a single, main access driveway at the signal light on Upland Square Drive.
- (2) Development beyond the West Pottsgrove Township RCO Route 100 Commercial Overlay District into Upper Pottsgrove Township shall require a main access driveway on State Street, as no cross-easement shall be permitted to extend from Upper Pottsgrove Township to West Pottsgrove Township, absent the providing of a main access drive on State Street.
- (3) Access driveways referenced in §2302.B(1) and (2) above shall comply with §431.6 of the West Pottsgrove Township Subdivision and Land Development Ordinance.

C. Use Regulations

- (1) Each use shall comply with §447, **Prohibited Uses and Performance Standards** of this ordinance.
- (2) Each use shall be subject to the parking and loading requirements of **Article XV, Off-Street Parking & Loading**, and to any other pertinent provisions of this ordinance.

- (3) Each use shall comply with **§441, Outdoor Storage Control**, of this ordinance.

§2303. Additional Development Standards

- A. Where the Board of Commissioners has approved development plans in the RCO Overlay District for a tract meeting the requirements stated herein, individual units, buildings or parcels of land within the approved RCO development may be subdivided, leased, purchased, sold, mortgaged and developed as individual zero lot line units with zero lot line setbacks from internal parking and building lines; provided, however, that the development plan for the entire tract at all times shall remain compliant with the RCO Overlay District regulations and each of the individual lots so created remains an integral part of the development plan. Access to individual lots so created shall be taken only from within the development.
- B. An RCO Overlay District development shall be developed following a single unified plan, with a fully coordinated system of interior traffic access, coordinated traffic circulation and coordinated parking.
- C. Deed conveying parts of an RCO Overlay District development shall contain covenants requiring purchasers at all times to operate and maintain such parts in good order and repair and in a clean and sanitary conditions uniformly with appearance and maintenance of the balance of the RCO Overlay District development.
- D. Each commercial use located within an RCO Overlay District development shall provide reciprocal access easements for its parking aisles and driveways, guaranteeing access to all lots that were developed pursuant to the approved land development plan for the development.
- E. A tract that is zoned RCO Overlay District may also be developed for uses permitted in the underlying zoning district. If the tract is used for uses permitted in the underlying zoning district, the dimensional and performance standards of the underlying zoning district shall apply to said uses.

§2304. Landscaping, Buffers and Screens. An RCO Overlay District development shall be subject to the landscaping and buffering requirements of §434 of the West Pottsgrove Township Subdivision and Land Development Ordinance except as modified by this §2304. In the RCO Overlay District, the following landscaping regulations shall supersede the corresponding provision(s) of the Subdivision and Land Development Ordinance and the total number of trees required by §430 of the Zoning Ordinance.

- A. Where a proposed land development abuts a residential use, a screen buffer shall be required adjacent to any residential zoning district. A screen buffer shall consist of 8 evergreen

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trees, 2 understory (flowering trees), 2 canopy trees and 10 shrubs per 100 lineal feet of property line. Such buffer shall be no less than 25 feet wide.

§2305. Utilities. All new development shall be required to connect to public sewer and water, and provide the necessary infrastructure to do so.

§2306. Signs. Signs in the RCO Overlay District shall be regulated in accordance with §801.C.5 for the PRC Planned Retail Center District.

§2307. Road Maintenance, Municipal Police and Fire Company Provisions. In the event that it is determined by the Township that a planned development in the RCO Overlay District may involve the township assuming ownership and maintenance responsibility of a roadway, then an applicant (which, as referred to in this paragraph shall also include its successors, transferees, heirs or assigns) shall be required to mitigate the maintenance costs as well as the need for additional police and fire company services to an RCO Overlay District development to the satisfaction of the Board of Commissioners.

- A. Road Dedication and Maintenance. Any road dedicated to the township servicing an RCO Overlay District development shall be provided with paving, curbing and necessary drainage, as required by the township ordinances, and to meet the maintenance and other responsibilities associated with the acceptance of a road adjacent to an RCO Overlay District development, or roadways which connect to or feed into such adjacent road, the Board may permit applicant to offer a \$6,000 per annum assessment (measured in AD 2006 dollar values) to the township and an initial one-time equipment fee of \$5,000, which offer, if accepted by the township, shall be deemed to have satisfied this requirement. The one-time fee shall be provided to the Township upon the issuance of the first Certificate of Occupancy for a business in an RCO Overlay District development. Each per annum assessment shall be due on January 31st starting with the first calendar year after the one-time fee is due.
- B. Additional Police Protection. With the understanding that applicant cannot directly hire or otherwise control municipal police protection to assist applicant in meeting this burden, the Board may permit applicant to offer \$9,000 per annum assessment (measured in AD 2006 dollar values) to the Township and an additional one-time equipment fee of \$10,000, which offer, if accepted by the Township, shall be deemed to have satisfied this requirement. The one-time fee shall be provided to the Township upon the issuance of the first Certificate of Occupancy for a business in an RCO Overlay District development. Each per annum assessment shall be due on January 31st, starting with the first calendar year after the one-time fee is due.
- C. With the understanding that applicant cannot directly hire or otherwise control fire company personnel to assist applicant in meeting this burden, the Board may permit applicant to offer \$2,000 per annum assessment (measured in AD 2006 dollar values) to the Township to be made available to the fire company serving the RCO Overlay District development,

which offer, if accepted by the Township, shall be deemed to have satisfied this requirement. Each per annum assessment shall be due on January 31st, starting with the first calendar year after the date of issuance of the first Certificate of Occupancy for a business in an RCO Overlay District development.

- D. Once offered and accepted, these undertakings by applicant shall be guaranteed by applicant with financial security acceptable to the Township and by restrictions, covenants and deed restrictions satisfactory to the Board of Commissioners.

§2308. Design.

- A. Rooftop HVAC and other mechanical equipment shall be hidden from view by the roof line or parapet.
- B. Loading and unloading docks shall be screened from adjacent properties with a landscape buffer. Dumpster and trash areas shall be enclosed by an opaque fence or other suitable screen as approved by the Board of Commissioners. Dumpster and trash areas shall be located at the side or rear of the property and shall be set back a minimum of 25 feet from any street ultimate right-of-way or property line.
- C. Building Size:
 (1) The maximum building footprint shall be 150,000 square feet.
 (2) Shopping centers in the RCO Overlay District shall not exceed 300,000 square feet.
- D. Principal buildings shall have clearly defined, highly visible customer entrances with defining features such as canopies, porticoes, arches, landscaped areas or areas for sitting.
- E. Facades may be longer than 200 feet if they utilize significant plane changes or changes in materials. Plan changes must consist of angle changes of 45-90 degrees at least three feet in depth, running the vertical extent of the façade.
- F. Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the façade and roof lines, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
- G. Rear and side facades that are visible from public rights-of way or adjoining residences shall be of color and materials that match the front façade and blend with structures within the development.
- H. Buildings which may be visible when viewed from any public street or highway shall provide the appearance of varied rooflines. This may be accomplished by architectural treatments including, but not limited to parapets or mansard type roof styles to conceal flat roof and HVAC units.
 (1) The design scheme for buildings with less than 20,000 square feet of building area on the ground floor shall be coordinated with the overall design scheme of the planned retail center and all buildings and roofs must be constructed to avoid day glow and garish or dissonant color schemes.

I. Sidewalks and Crosswalks:

- (1) Shall connect entrances of all nonresidential uses to parking areas and on-site sidewalks and shall interconnect with uses on adjacent properties and existing street side sidewalks on adjacent properties wherever possible.
- (2) Shall extend along the full façade where customer entrances are located, with a minimum width of five feet.
- (3) Crosswalks shall be established where pedestrians must cross an access driveway when walking from a parking space to a building. The crosswalk shall be at least six feet wide, and be designed with either a "hatch" pattern, or with decorative treatment (through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort).
- (4) Shall comply with the applicable requirements of §415 and §416 of the West Pottsgrove Township Subdivision and Land Development Ordinance.

J. Bus stops shall be provided where deemed appropriate by the regional transportation agency. At least one of the bus stops may be a bus shelter if deemed appropriate by the Board of Commissioners and the regional transportation agency.

K. Access to developments in the RCO Overlay District shall be limited to two curb cuts along any street frontage.

L. Parking Lot Landscaping. In addition to buffer plantings required by §2304 herein, parking lots shall comply with the applicable requirements of §431, §432 and §434 of the West Pottsgrove Township Subdivision and Land Development Ordinance and be landscaped as follows:

- (1) Landscaped islands shall be placed at ends of all parking rows.
- (2) A maximum of 15 consecutive parking spaces may be placed in a row (or 30 spaces in two adjacent back-to-back rows) without being separated by a landscaped area.
- (3) Each planting island shall contain at least one shade trees and each island shall be landscaped and planted with low-growing shrubs and/or groundcover over the entire remaining area at maturity. Each island shall be elevated, bermed or mounded. Each planting island shall be a minimum of one parking stall or 9 feet x 18 feet in area (or 2 parking stalls or 9 feet x 26 feet for 2 adjacent back-to-back rows), whichever is greater and underlain by soil and protected by curbing, wheel stops or bollards.
- (4) For large commercial parking fields consisting of 170 or more parking spaces and arranged in 5 or more parallel rows, parking lots should be divided by planting strips at intervals of one for every 4 rows of parking. Planting strips shall be a minimum of 12 feet in width. The strips should run the length of the parking row, underlain by soil, and protected by curbs, wheel stops or bollards. Planting strips shall contain one shade tree every 25 feet, plus shrubs

and/or groundcover to cover the entire area at maturity. Periodic interruptions shall be allowed in the planting strips to allow for snow plows to pass through. Paved walkways within planting strips shall be utilized where appropriate to allow safe pedestrian circulation within parking lots.

- (i) In off-street parking areas associated with grocery stores, planting strips may be removed in the area extending for a distance of 350 feet from the front of the grocery store building façade to provide efficient, safe and uninterrupted pedestrian movement through the parking lot.
- (ii) The minimum radius for parking lot landscape planting strips within an RCO development shall be 4.5 feet.
- (5) Trees shall be avoided in locations within parking lots where they may become sight obstructions.
- (6) Canopy trees of not less than 2.5 inch caliper shall be planted along the public road frontage spaced not less than 50 feet apart.

§2309. Lighting.

- A. Lighting facilities shall not product unreasonable amounts of light, nor any glare or hazardous interference on abutting properties or highways. Any light fixture higher than 3 feet above grade shall be shielded to direct light downward.
- B. Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 30 feet above finished grade. Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above finished grade.
- C. Lighting spillover onto residential lots shall not exceed 0.2 foot-candles; lighting spillover onto nonresidential streets and rights-of-way shall not exceed 0.4 foot-candles.
- D. Light fixtures shall not be located within parking lots unless they are installed within a raised barrier island, a minimum of 5 feet wide. Poles supporting lighting fixtures and located directly behind parking spaces, or where they could be hit by snow plows, shall be placed a minimum of 5 feet outside paved areas or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other Township-approved means. Pole-mounted fixtures for the illumination of horizontal surfaces shall be shielded to direct light straight downward.
- E. Lighting of Non-Horizontal Surfaces. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output onto the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with lighting levels below the threshold in the table below are exempt from the requirements of the paragraph.
- F. Glare onto abutting properties shall be controlled primarily through the selection and application of lighting equipment.

- Only after these means have been exhausted shall vegetation, fences and similar screening methods be considered acceptable for reducing glare.
- G. No lighting facility shall have any blinking, flashing or other illuminating device which has a changing intensity, brightness or color, nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.
 - H. No lighting facilities shall be located within required yard setback areas, except on parking lots, when permitted within required yard setbacks, and pedestrian walkways.
 - I. Illumination of all non-residential parking areas and along all pedestrian walkways shall provide a minimum of 0.2 foot-candles.
 - J. Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses, shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 33% of the number of fixtures required or permitted for illumination during regular business hours, or in an amount judged necessary by the Township engineer.
 - K. Shielding Requirements. A fully shielded fixture, where all light emitted is projected below a horizontal plane running through the lowest part of the fixture (equivalent to a total cutoff angle of less than 90 degrees), is required based on the light facility's lamp type consistent with the following:

Lighting Facility Lamp Type	Shielding Requirements (based on light emitted)
Low/High-pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully Shielded
Incandescent over 60 watts	Fully Shielded
Incandescent 60 watts or less	None
Fossil Fuel	None
Any light source of 50 watts or less	None

§2310. Noise Control. Noise control in the RCO Overlay District shall be regulated by 438.

§2311. Traffic Study. A traffic study shall be required in accordance with §463.

SECTION 2. ZONING MAP AMENDMENT.

The Zoning Map of West Pottsgrove Township, as heretofore amended, which is adopted as part of the West Pottsgrove Township Zoning Ordinance of 2009, as amended, in §301 (entitled "Zoning Map") is hereby amended as follows:

The RCO Route 100 Commercial Overlay District is established on property bounded in part by Upland Square Drive to the south and Upper Pottsgrove Township, Montgomery County,

Pennsylvania to the east, which shall overlay all existing and hereafter created underlying districts applicable to said property.

This Zoning Map amendment would add the RCO Route 100 Commercial Overlay District to the existing R-1 Zoning District classification on the following parcel identified as Tax Map 64, Block 3, Unit 4, being parcel 64-00-03717-00-8, as described in the attached Exhibit "A."

SECTION 3. APPLICABILITY. The provisions hereof shall supersede any ordinances or parts of ordinances which are inconsistent herewith.

SECTION 4. SEVERABILITY. If any provision, 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 of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 5. EFFECTIVE DATE. This ordinance will become effective immediately.

ENACTED AND ORDAINED this 5th day of December, 2012, by the Board of Commissioners of West Pottsgrove Township.

WEST POTTS GROVE TOWNSHIP

By:


Rock D'Emilio, President

Attest:


Joanne Herb, Secretary