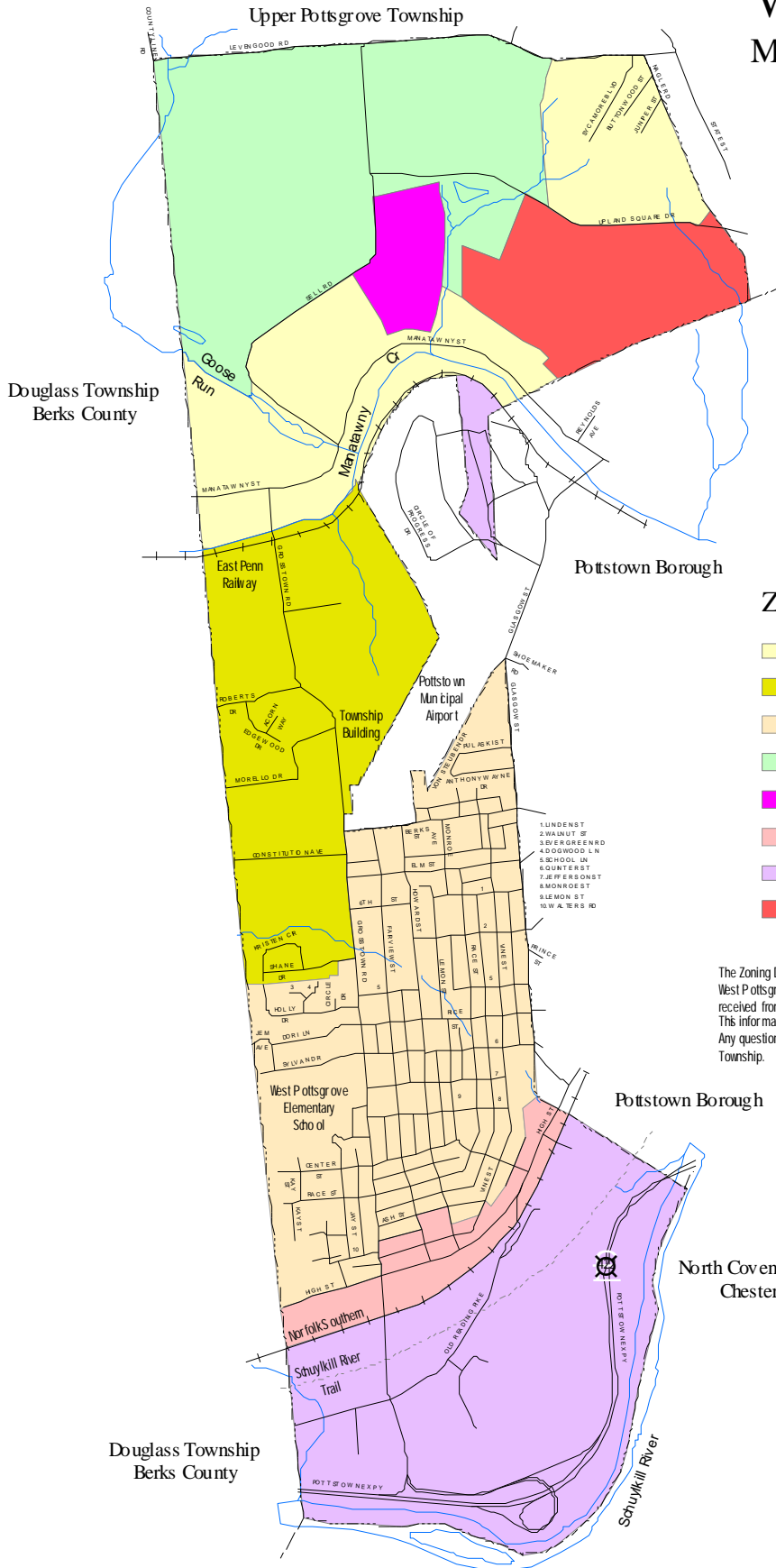


# West Pottsgrove Township Montgomery County, Pennsylvania



## Zoning

- R-1 Residential
- R-2 Residential
- R-3 Residential
- RR Resource Recovery
- RR-1 Resource Recovery
- CB Commercial Business
- I Industrial
- PRC Planned Retail Center

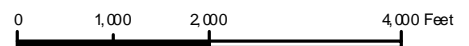
Zoning boundaries as of October 2009

The Zoning Districts displayed on this map were determined by the Zoning Code of West Pottsgrove Township. The date printed on this map is the latest information received from the Township by the Montgomery County Planning Commission. This information should not be considered the official Adopted Zoning Map. Any question regarding the location of a district boundary should be directed to the Township.

**MCPC** Montgomery  
County  
Planning  
Commission

Montgomery County Courthouse - Planning Commission  
PO Box 311 • Norristown PA 19404-0311  
(p) 610.278.3722 • (f) 610.278.3941  
[www.montcopa.org/plancom](http://www.montcopa.org/plancom)

This map is based on 2005 ortho photography and official sources. Property lines were compiled from individual block maps from the Montgomery County Board of Assessment Appeals, with no verification from the deed. This map is not meant to be used as a legal definition of properties or for engineering purposes.



Base map prepared December 2009

U.S. Route

ORDINANCE #2009-10

# ***Zoning Ordinance***

**West Pottsgrove Township**  
**October 2009**

## **INTRODUCTION**

This West Pottsgrove Township Zoning Code was adopted on October 7, 2009. This zoning code comprehensively revised and updated the existing Township Zoning Code, which was adopted in 1966. That Zoning Code had been selectively updated over time (updates included the additions of the RR-Resource Recovery District, RR-1 Resource Recovery & Recycling District, and the PRC- Planned Retail Center District). In 2005, West Pottsgrove Township adopted the Pottstown Metropolitan Area Regional Comprehensive Plan; this Zoning Code is consistent with and helps implement that Plan's land use recommendations. This Zoning Code was written with the assistance of the Montgomery County Planning Commission.

## Table of Contents

	<u>Page</u>
Introduction	i
Article I Short Title; Effective Date; Declaration of Legislative Intent; Statement of Community Development Objectives; Conflicts; Validity; Repealer;	1
Article II Definitions	5
Article III Zoning District Classifications	30
Article IV General Regulations	33
Article V R-1 Low Density Residential District	64
Article VI R-2 Medium Density Residential District	66
Article VII R-3 Mixed Density Residential District	68
Article VIII PRC-Planned Retail Center District	70
Article IX CB-Commercial Business District	76
Article X I-Industrial District	78
Article XI RR-Resource Recovery District	82
Article XII RR-1 Resource Recovery & Recycling District	84
Article XIII FP-Floodplain Conservation District	87
Article XIV Airport Hazard Area	92
Article XV Off-Street Parking and Loading	95
Article XVI Signs	97
Article XVII Non-Conforming Buildings, Structures, Uses & Lots	109
Article XVIII Administration	111
Article XIX Zoning Hearing Board	114
Article XX Violations, Fines, Remedies, & Charges	119
Article XXI Conditional Uses & Special Exceptions	120
Article XXII Amendments	130
APPENDIX Zoning Code: Use Matrix	133

## ARTICLE I

### **Short Title; Effective Date; Declaration of Legislative Intent; Statement of Community Development Objectives; Conflicts; Validity; Repealer**

**§100. Short Title.** This ordinance shall be known and may be cited as “The West Pottsgrove Township Zoning Ordinance of 2009.”

**§101. Effective Date.** Upon the adoption of this ordinance as required by law, the use of all land and the use, height, area and yard requirements of every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in West Pottsgrove Township shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses as set forth in **Section XVII: Nonconforming Buildings, Structures, Uses and Lots**, herein.

**§102. Declaration of Legislative Intent.** This ordinance is enacted for the following purposes: to promote the health, safety and general welfare of the inhabitants of West Pottsgrove Township by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings, and encouraging the most appropriate use of the land throughout the Township.

**§103. Statement of Community Development Objectives.** In accordance with the requirements and purposes of the Pennsylvania Municipalities Planning Code, as amended; in accordance with the community development goals and objectives (which are included by reference) of the Pottstown Metropolitan Area Regional Comprehensive Plan (as may be amended), in consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, and to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27)., the PA. Floodplain Management Act, PA. Stormwater Management Act, PA. DEP regulations on erosion and sedimentation control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions, the Township of West Pottsgrove, which has adopted the 2001 Pottstown Metropolitan Area Regional Comprehensive Plan intends this Zoning Ordinance to implement the following objectives which have been approved by the Planning Commission and the Commissioners of West Pottsgrove Township and are included in the 2001 Regional Comprehensive Plan.

- A. To establish a controlled, orderly and economic process of township growth.
- B. To provide for and stimulate a diversified housing supply aimed at satisfying varied family size and income requirements, as well as maximizing the opportunities for individual preferences.
- C. To establish a balanced land use pattern related to natural physical conditions, transportation relationships, availability of utilities, and existing land uses.
- D. To improve and protect residential areas through the prevention of intrusions by incompatible land uses (e.g. location of an industry in the midst of an otherwise sound and desirable residential area).
- E. To identify and protect those areas best suited for the commercial and industrial needs of the community, in order to assure a sound economic base.
- F. To establish development standards and policies which will assure the healthful development of the community and also provide a basis for meeting future municipal service and facility requirements.
- G. To protect and conserve the Township’s natural and scenic open space resources.
- H. To develop a well integrated system of streets properly coordinated with a varied pattern of land uses, and designed to provide safe, convenient and efficient movement within the Township and between the Township and the larger region.
- I. To provide adequate facilities and services geared to satisfying the educational and leisure time needs of Township residents. To coordinate and cooperate with adjacent townships and Townships in solving physical, economic and social problems which transcend municipal boundaries.

**§104. Conflict.** It is not intended for this ordinance to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this ordinance, provided that where this ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this ordinance shall control.

**§105. Validity.** Should any section of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other part thereof.

**§106. Repealer.** All prior zoning ordinances of West Pottsgrove Township and any amendments thereto are hereby specifically repealed.

**§107. Applicability of This Ordinance.**

- A. Any activity regulated by this Zoning Ordinance shall only occur in such a way that conforms with the regulations of this Zoning Ordinance.
- B. This Ordinance regulates matters authorized by §603 “Ordinance Provisions” of the PA. Municipalities Planning Code or such successor section.

**§108. Filing Fees and Costs.**

The Township Board may establish and update by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Zoning Ordinance. No application or appeal shall be considered filed until all fees are paid.

**§109. Interpretation and Similar Uses.**

- A. Minimum Requirements. The provisions of this Zoning Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where more than one provision of this Zoning Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Zoning Ordinance are in addition to any other applicable Township Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this Zoning Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a “similar use” under a specific provision of this Zoning Ordinance.
- C. Interpretation of Zoning Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Zoning Ordinance and the location of all District boundaries to particular applications. The Zoning Officer may request an advisory opinion for the Township Solicitor or the Zoning Hearing Board Solicitor.
- D. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

**§110. Public Utility Exemptions.** This Zoning Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by the other parties and otherwise exercise the rights of a party to the proceedings.’

**§111. Township Limited Exemption.** The minimum lot area, minimum lot width, and setback requirements of this Zoning Ordinance shall not apply to uses or structures owned by West Pottsgrove Township for uses and structures that are intended for a legitimate governmental or public health, safety, public utility or recycling purpose.

**§112. Site Plan Review Procedures for Certain Uses.**

- A. When Site Plan Required. A site plan review by the Planning Commission and Township Board is required for any of the following uses unless the physical layout of the buildings and improvements has been submitted as part of a subdivision or a land development.

1. Any expansion of more than 1,000 square feet in floor area of a principal non-residential building
  2. Any new principal non-residential building.
  3. Any new or expanded paved area of greater than 1,500 feet.
- B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:
1. Submission. A minimum of twelve complete copies of any required site plan shall be submitted to the Township. Such site plan shall meet the information requirements listed in **§112.C.**, below. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Zoning Ordinance. A minimum of one copy shall be retained for Township Files. The Zoning Officer may request a review by the Township Engineer if engineering matters are involved.
  2. If earth disturbance is involved, a soil and erosion control plan shall be submitted to the Township and the County Conservation District.
  3. Time. The Planning Commission and Township Board shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in **§112.B.4.**, below.
  4. The Zoning Officer shall review the site plan and determine its compliance with this Zoning Ordinance, based upon his/her review and any comments of the Township Board and Planning Commission. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Commission regular meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.
  5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Township Board and Planning Commission.
- C. Submittal Requirements. The following site plan submittal requirements shall not apply to a general home occupation. A required Site Plan shall include the following information, unless for information waived by the Zoning Officer as not applicable or necessary:
1. A statement describing the proposed use.
  2. Layout. A site layout drawn to scale (1" = 50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
  3. Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations, and types of required landscaping to be provided.
  4. Parking. The locations and numbers of parking spaces; the location and widths of aisles; the locations and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon **Article XV: Off-Street Parking and Loading.**
  5. Lighting and Signs. The height, location and general type of exterior lighting. The sign area, height, location, and general method of lighting of signs.
  6. Utilities. Note stating the general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").
  7. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, odors, dust, fire or toxic or explosive hazards or other hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.
  8. Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed. Identification of any slopes between 15 percent and 25 percent and greater than 25 percent proposed to be impacted. Proposed method of managing stormwater runoff. See steep slope provisions in Section 505. Delineation of any floodplains from the Official Federal Floodplain Maps.
  9. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
  10. Zoning district and major applicable requirements.
  11. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.
  12. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Township Ordinances.
  13. This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

**§113. Liability.**

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, stormwater runoff, activity on steep slopes or any other review or permit of this Zoning Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Zoning Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.



## **ARTICLE II**

### **Definitions**

**§200. General Interpretation.** For the purposes of this Zoning Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include future tense.
- B. “Used” or “occupies” as applied to any land or building include the words “intended, arranged, or designed to be used or occupied.”
- C. “Should” means that it is strongly encouraged, but is not mandatory. “Shall” is always mandatory.
- D. “Sale” shall also include “rental.”
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F. If a word is not defined in this Zoning Ordinance, but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in the Subdivision and Land Development Ordinance shall apply. If a word is defined in both this Zoning Ordinance and another Township ordinance, each definition shall apply to the provisions of each applicable Ordinance.
- G. Any word or term not defined in this Zoning Ordinance or in the Township Subdivision and Land Development Ordinances, as amended, shall be used with its plain and usual meaning within the context of the Section. A standard reference dictionary should be consulted.
- H. The words “such as”, “includes”, “including”, and “specifically” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provisions.

**§201. Terms Defined.** When used in this Zoning Ordinance, the following words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**Abut.** Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of “adjacent”

**Access Drive or Accessway.** A Privately-owned, constructed and maintained vehicular access roadway accessing two or more dwelling units or two or more commercial, institutional or industrial principal uses. See also “driveway”.

**Access Point.** One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

**Access Road.** The definition of access road as set forth in Pennsylvania Solid Waste management Act (35 P.S. Section 6018.101 - 608.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271 - 285) are incorporated herein by reference.

**Access Strip.** A piece of land which provides physical access to, and legal road frontage for a lot, but which does not comply with the minimum lot width regulations of this Chapter. Access strips provide access to “rear” and “interior” lots. The area of an access strip shall not be included in the minimum lot area required under the provisions of this Chapter.

**Accessory Building.** A building (such as a private garage, private toolshed, children’s playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

**Accessory Structure.** A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same or adjacent lot as the principal building.

**Accessory Use.** A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

Acre. 43,560 square feet.

Act 247. The Pennsylvania Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. See definition of “abut.”

Adult Day Care Center. See “Day Care, Adult.”

Adult Use. This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility. Adult uses are prohibited in West Pottsgrove Township.

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin or token-operated films or video tapes, paraphernalia, novelties, or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or “specified sexual activities.” This shall include but not be limited to materials that would be illegal to sell to persons under the age 18 under State Law.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors, or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual “specified sexual activities” related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of “specified sexual activities” for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. This use generally is prohibited under State Act 29 of 1990.

Agriculture. The cultivating of the soil, and the raising and harvesting of products of the soil, including, but not by way of limitations, nursery, horticulture and forestry; and the raising and maintenance of livestock and poultry, excluding pigs.

Alley. A minor vehicular right-of-way, public or private, on which no principal structures front, which serves as a secondary means of access to two or more properties which otherwise front on a public street.

Alteration. Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

Amenities. A feature that increases attractiveness or value, especially of a piece of a parcel of land.

Ancillary Use. A subordinate use that is controlled by a larger permitted use. An example is a public garage (tires, batteries and accessories) or garden shop controlled by a department store.

Antenna Height. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Site. A tract or parcel of land that contains the communication antenna, its support structure, accessory building(s) and parking.

Antenna, Standard. Device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae. This includes any accessory supporting structures.

Apartment. See “dwelling types.”

Apartment House. A building containing three or more dwelling units having common service or facilities, or both, and served by a common entrance hall.

Applicant. The person, persons or legal profit or non-profit organization or trust responsible for a particular application for an approval or permit under this Zoning Ordinance, and his or her heirs, successors and assigns.

Approved. Passed upon as satisfactory by the authority designated by law to give approval in the matter in question.

Arcade. An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, pools or fountains shall be considered part of the arcade for the purpose of computing floor area.

Assemblage:

- A. The merging of adjacent properties into a single unit of ownership or use.
- B. The property so merged, considered as a unit.

Auto, Boat, and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of “auto service station.” An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an “auto service station” is also permitted as part of an “auto repair garage.”

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground. A basement shall be considered a “story” if a) the majority of the basement has a clearance from floor to ceiling of seven feet or greater and b) if the top of the foundation of the building is an average of four or more feet above the finished grade of the front side of the building that faces onto a street. For flood plain purposes, basement is any area of the building having its floor sub-grade (below ground level) on all sides.

Basic Structural Alteration. Any enlargement of a building, whether by extending on any side or by increasing in height, any change in the use or classification of a main building, or the moving of a building from one location to another.

Bed and Breakfast Use. The use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutuel betting. This term shall not include betting under the State Lottery programs or betting under the “Small Games of Chance” provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a “membership club”).

Billboard. See “Sign, Off-Premises.”

Board. Board of Commissioners of West Pottsgrove Township.

**Boarding House (or Rooming House).** A residential use in which: a) two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation, or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days.

**Buffer Yard.** A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

**Building.** Any structure having a permanent roof and foundation, intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**Building Area.** The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves and gutters, but including porches, breezeways and carports.

**Building Coverage.** The percentage obtained by dividing: a) the maximum horizontal area (square feet) of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

**Building Envelope.** That area of a lot, circumscribed by the yard lines, within which a building(s) may be built.

**Building Façade.** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation that fronts on a public street, park, or plaza.

**Building Frontage.** For calculating maximum total side area, building frontage is defined as the maximum horizontal dimension measured along the wall of the building which serves as the principal approach to the building, excluding eaves, overhangs, buttresses and other non-occupiable building extensions. The principal approach to a building shall be that side which contains the main entrance doors. For corner lots the additional side area shall be calculated along the side of the building which faces the second street.

**Building Length.** The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any one building or of attached buildings.

**Building Line or Building Setback Line.** See "Setback Line."

**Building, Principal.** A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**Building Width.** The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

**Bulk Recycling Center.** A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste transfer facility. This definition shall not include a "junkyard."

**Business Service.** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Canopy.** A roof-like structure including an awning that projects from a wall or building over a door, entrance or window, or a free standing or projecting cover above an outdoor serving area, such as at a gasoline service station.

**Capacity Analysis.** Intersection approach capacity is the maximum rate of vehicular flow that can pass through an intersection under prevailing roadway, traffic and signalization conditions. The analysis compares the actual or projected traffic volume to the intersection capacity and results in a volume/capacity (V/C) ratio.

**Car Wash.** A commercial facility and/or structures used for the purpose of cleaning the exterior and/or interior surfaces of motor vehicles, whether self-service or operated by attendants or employees.

**Cell Site.** A tract or parcel of land that contains a cellular/digital communication antenna support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular/digital communication transmission.

**Cemetery.** Land used or intended to be used for the burial of the deceased, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with the cemetery and within its boundaries.

**Centralized Sewer or Water.** A sewage disposal network and facilities, or water supply network serving a group or series of property owners in common; may be publicly or privately owned.

**Cesspool.** A covered pit with open-jointed linings into which raw sewage is discharged, the liquid portion of which is disposed of by seepage or leaching into the surrounding porous soil, the solids or sludge being retained in the pit.

**Circulation.** Provision made for traffic within or through buildings, outside areas, and communities.

**Commercial Communications Tower/Antennae.** A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, such as but not limited to antenna used for transmitting commercial radio or television signals or cellular telephone communications. This shall not include a standard antenna.

**Commercial Outdoor Recreation.** A use that a) has a total building coverage of less than 15 percent, b) is used principally for active or passive recreation (such as a driving range), and c) is used for a profit-making purpose.

**Commercial Use.** A business or activity at a scale greater than home occupations, involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

**Common Open Space.** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and area set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

**Community.**

- A. A body of persons having common interests and privileges, living in the same locality.
- B. A political subdivision.

**Community Center.** A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and provision of meals to low-income elderly persons. This shall not include residential uses or a “treatment center.”

**Completion.** The act of bringing to a condition of physical completeness and readiness for use and occupancy.

**Comprehensive Plan.** The document entitled Pottstown Metropolitan Area Regional Comprehensive Plan, or any part thereof, adopted by the Township Board, as amended.

**Conditional Use.** A use which is allowed or denied by the Township Board within the provisions of **Article I** and **Article XXI: Conditional Uses & Special Exceptions**, after review by the Planning Commission.

**Condominium.** A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with the owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created under either the Pennsylvania Unit Property Act of 1963 or was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

Construction. The materials and methods of fabricating the various elements of a structure or building.

- A. New Construction. For Flood Plain Conservation District zoning purposes, new construction is defined as structures for which the start of construction commenced on or after October 3, 1979 and includes any subsequent improvements to such structures.

Conversion. The remodeling or alterations of a structure so as to accommodate the provision of more apartment units (or dwelling units) than were originally intended. Conversions would then including the alteration of a nonresidential structure into a dwelling unit for at least one family; the modification of a single-family structure so as to accommodate two or more dwellings; and the alteration of a multifamily structure so as to accommodate more units than originally intended.

Corner Lot. A lot having contiguous frontage on two or more intersecting roads.

Cornice. Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roofline, including eaves and other roof overhangs.

County. The County of Montgomery, Commonwealth of Pennsylvania.

County Planning Commission. The Montgomery County Planning Commission.

Court. An open, unoccupied space bounded on two or more sides by the exterior walls of a building or by exterior walls and lot lines.

- A. Inner Court. A court enclosed on all sides by exterior walls of a building or by exterior walls and a lot lines on which walls are allowable.
- B. Outer Court. A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

Cul-de-Sac. A minor street with entrance and exit at the same end; it terminates in a bulb or roundabout.

Curative Amendment. A proposed zoning amendment made to the Township Board by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Curb Elevation or Curb Level. The elevation of the top of a curb at a given point with a reference to a designated datum.

Day Care, Adult. A facility in which adult daily living services are provided for four or more adults not related to the operator. The center provides supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who are not capable of full-time independent living (Pennsylvania law limits the number of persons under the age of 59 to three). This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school". The following types of day care are permitted without regulation by this Zoning ordinance: (1) care of children by their own relatives, (2) care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver.

Day Care Services. Any dwelling or building which provides child or adult care services. Any provision of day care shall comply with the Articles IX and X of the Public Welfare Code act of June 13, 1967 (P.L. 31), as amended. Child day care facilities shall be differentiated by the following three classifications:

- A. DAY CARE CENTER – a facility in which care is provided for seven or more children not related to the day care operator at any one time, where the child care areas are not being used as a family residence.
- B. FAMILY DAY CARE HOME – any family residence other than the child's own home, in which child day care is provided at any one time to 4, 5 or 6 children, who are not relatives of the resident caregiver.

- C. GROUP DAY CARE HOME – a facility in which care is provided by a resident caregiver for more than 6 but less than 12 children at any one time, where the child care areas are being used as a family residence.

Deed. A written instrument whereby an estate in real property is conveyed by a grantor to a grantee.

- A. Deed Restriction. A restriction upon the use of a property placed in a deed.
- B. Warranty Deed. A deed in which, either expressly or by implication, the grantor guarantees that the title which he undertakes to transfer has not been previously conveyed by him and is free from defects and that the property is unencumbered except as stated, and for himself and heirs, agrees to defend and protect the grantee against any loss which may be suffered by reason of the existence of any other title or interest in the property existing at the time the deed was executed and not excepted therein.

Density. The total number of dwelling units proposed on a lot divided by the “lot area”, unless otherwise stated.

D.E.P. (or “DEP”). Shall mean the Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

Designated Flood Plain Conservation Districts. Those flood plain conservation districts specifically defined and established in **§1301: Floodplain Conservation District** of this ordinance.

Designed Floodway District or Area. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the 100-year magnitude as specifically defined in this ordinance.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Developable Acreage. For the purpose of calculating density per developable acre, the developable acreage should equal the gross land area of the proposal, minus the following acreage:

- A. All land within existing and/or proposed rights-of-way for all public and/or private roads.
- B. All overhead and underground utility easements and/or rights-of-way.
- C. Soils with slopes of 15 percent or greater as defined by the Soil Survey for Montgomery County, prepared by the Soil Conservation Service of the United States Department of Agriculture.

All alluvial soil floodplain or the extent of the 100-year floodplain delineated in the Flood Insurance Study for West Pottsgrove Township, Montgomery County, Pennsylvania, dated November 15, 1983, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

Developer. Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, the subdivision of land and the storage of materials or equipment.

Development Plan. The provisions of development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions for the development plan” shall mean the written and graphic materials mentioned above.

Disposal. The definition of disposal as set forth in Pennsylvania Solid Waste Management Act (35 PS Sections 6018-101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging.

District (for Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Zoning Ordinance.

Driveway. A private cartway providing vehicular access between a public street and a lot, property or development, and/or providing vehicular circulation within a lot, property or development.

Dwelling. A building used as a non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a “sectional home.” This Zoning Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building. Conversion apartments are prohibited throughout West Pottsgrove Township.
- B. Apartments. Dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or “Modular” Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a “mobile/manufactured home” and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- D. Single-Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open areas on all sides.
  - 1. Mobile/Manufactured Home. A type of single family detached dwelling, on a permanent foundation, that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a “Recreation Vehicle,” and g) includes a minimum of 800 square feet of interior floor space. The terms “mobile home” and “manufactured home” have the same meaning.
- E. Single Family Semi-Detached Dwelling (Half of a Twin Dwelling). One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a twin. Each unit may or may not be on a separate lot.
- F. Townhouse. One dwelling unit that is attached to one or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as “row houses” or “single family attached dwellings.”
- G. Two-Family Detached Dwelling. Two dwelling units accommodating one family each with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.
- H. Modular Home. A dwelling unit for permanent occupancy, made by assembling one or more factory-produced, three-dimensional sections into one integral building, not capable of easily being separated for conventionally-built units, as required by the Township’s Building Code, and must be placed on a permanent foundation. A copy of the Structural Engineering Bulletin(s) must be provided to the Board of Commissioners, indicating approval of the dwelling or its components by the U.S. Department of Housing and Urban Development.

Dwelling Unit. A single habitable living unit occupied by only one “family.” See definition of “family.” Each dwelling unit shall have: a) its own toilet (non-portable), bath or shower, sink, sleeping and cooking facilities, and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

Easement. A vested or acquired right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who hold title to the land.

Eaves. The projecting lower edges of a roof overhanging the wall of a building.



**Electric Substation.** An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

**Emergency Services Station.** A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

**Employees.** The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**Essential Services.** Utility or municipal uses that are necessary for the preservation of the public health and safety that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

**Façade –** The vertical or mostly vertical exterior surface of a building, excluding the roof. A front building façade typically is where the building's front door is located, typically faces the street, and typically has the most architectural treatment of the building's facades.

**Facing Walls.** The exterior walls of any two buildings are considered to be "facing walls" when a straight line drawn perpendicular to, and extending outward from any point on an exterior wall of one building intersects an exterior wall of another building.

**Family.** One or more persons (including at least one adult) living in a single dwelling unit and functioning as a common household unit. A family shall not include more than four persons who are not "related" to each other (see definition in Article II), except a higher number may be specifically permitted within the provisions for group homes in **§420: Group Homes**. A "treatment center" shall not be considered a "family" or a "group home." A roomer, boarder, or lodger shall not be considered a member of a family.

**Fence.** A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Also see "Wall."

**Flood.** A temporary inundation, complete or partial, of normally dry land areas.

**Flood, One Hundred Year.** A flood that, on average, is likely to occur once every 100 years (i.e. that has a one percent change of occurring each year, although the flood may occur in any year). For the purpose of this ordinance, the 100-year flood is that which is defined by the Federal Insurance Administration, Federal Emergency Management Agency, in the Flood Insurance Study, West Pottsgrove Township.

- A. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure constructed in accordance with **§1305.B.2 (Floodplain Conservation District: Conditional Use Criteria)** shall not be considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance and the National Flood Insurance Program regulations.

**Floodplain (100-Year).** See definitions in **Article XIII: FP – Floodplain Protection District** of this Ordinance.

**Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor Area, Total.** The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least

seven feet. For the purposes of regulating floor area of dwelling units, floor area specifically shall not include the following: a) elevator shafts, b) common stairwells, c) unheated areas or d) unenclosed porches, decks or breezeways.

**Frontage.** The extent of a building or of land along a public road or a public waterway.

**Garages, Private or Household.** An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

**Gasoline Filling Station.** Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other vehicle fuel and accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

**Garage Sale.** The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

**Glare.** A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

**Gross Acreage.** The total acreage of a property, tract, lot or parcel proposed for subdivision or land development, including lands within existing street rights-of-way, floodplains and steep slopes.

**Gross Leasable Area.** – the total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the centerline of partitions and from outside wall faces; not including public or common areas, such as public toilets, corridors, stairwells, elevator lobbies or enclosed mall spaces. Also known as gross floor area.

**Group Home.** – A dwelling unit housing up to five people functioning as a common household. A group home involves the care of residents, as permitted by the Group Home standards of **§423: Group Homes**.

**Hazardous Waste.** The definition of hazardous waste as set forth in Pennsylvania Solid Waste Management Act (35 PS Section 6018.101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.

**Height, Building** The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in **§424: Height Exception and Yard Restriction**. For height of signs, see **Article XVI: Signs**.

**Heliport.**

- A. **Personal Use Heliport.** A helicopter landing area (sometimes known as a helistop) licensed by the Pennsylvania Department of Transportation for the purpose of picking up and discharging passengers or cargo. No fueling, helicopter repair or storage area(s) are permitted in conjunction with the operation of a personal use heliport.
- B. **Commercial Heliport.** A landing area for helicopter which includes facilities for fueling, repair and storage of helicopters and which is licensed by the Pennsylvania Department of Transportation.

**Highway Access Point.** The point at which vehicular traffic enters or exits a public right-of-way from an abutting land use.

**Historic Structures.** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determine by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior; or (2) Directly by the Secretary of the Interior in states without approved programs.

**Home Occupation.** A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building. The conducting of a clinic, hospital, barber shop, beauty salon, tea room, animal hospital, or similar uses shall not be deemed a home occupation.

**Hospital.** A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

**Hotel, Motel, or Inn.** A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use.

**Impervious Coverage.** The total area of all "Impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, the land shall be properly maintained by the abutting use.

**Impervious Surface.** Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious."

**Improvement.** A structure or public utility, or any other installation or physical change made in a property with a view to increasing its value, utility or beauty.

**Incineration.** The process of burning combustible solid waste.

**Incinerator.** The definition of incinerator as set forth in Pennsylvania Solid Waste Management Act (35 PS Section 6018.101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.

**Industrial Use.** Activities including manufacturing or assembly, resource extraction, warehousing, storage, distribution, shipping, and other related uses.

**Institutional Use.** A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, government-owned or -operated structure, or land used for public purpose.

**Junk.** Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

**Junk Vehicle.** A vehicle which is no longer drivable, and is in a wrecked, dilapidated, damaged, or dismantled condition.

**Junk Yard.** An area of land, with or without buildings, used for storage of used and discarded materials, including but not limited to waste paper, rags, metal, building material, house furnishings, machinery, vehicles or parts thereof, with or without the collection, dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a junk yard.

**Kennel.** The keeping of a total of more than five dogs or cats over three months in age on a lot. A non-profit animal shelter is a type of kennel.

**Landowner.** The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 20 years), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

**Landscape.** A part of the earth's surface or the view of a portion of land or land and water as seen from any given point.

**Landscape Construction.** The alteration of existing ground conditions together with construction and development of ground features, including minor structures.

**Level-of-Service.** Level of service (LOS), as described in the Highway Capacity Manual (2000 - Transportation Research Board, as amended), is a qualitative measure of the operational conditions within a traffic stream and their perceptions by motorists. Levels of service are defined in terms of delay for signalized intersections and reserve capacity for unsignalized intersections. Six levels of service (A through F) are defined for each type of facility, with LOS "A" representing least congested operating conditions and LOS "F" representing a breakdown in operating conditions.

**Loading, Unloading Space.** A space, accessible from a street or way, in a building or on a lot, for the temporary use of the vehicles, while loading and unloading merchandise or materials.

**Lot.** A separate parcel of land that is recorded or that will be recorded after Township final subdivision approval in the office of the County Recorder of Deeds. The parcel is occupied or is to be occupied by one principal building or other structure or use, together with any accessory building or structures, or uses customarily incidental to such principal building or other structure of use, and any such open spaces as are arranged or designed to be used in connection with such principal building or other structure of use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

**Lot Area.** The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the existing legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve three or more lots;
- B. Areas that exist as or will be required to be dedicated as common open space on a separate lot; and
- C. Fifty percent of areas within rights-of-way or easements intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for residential lots.

**Lot, Corner.** A lot abutting on two or more intersecting streets.

**Lot Depth.** The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

**Lot, Flag.** An irregularly shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot. Flag lots are not permitted in the Township.

**Lot, Interior.** Also known as rear or flag lot. A lot which conforms in all respects to the dimensional requirements of the district in which it is located, except that road frontage and access is limited to an access strip, as defined herein. This definition does not include the commonly-used, wedge-shaped lots located on a cul-de-sac turnaround.

**Lot Lines.** The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

- A. **Front Lot Line (Street Line).** A lot line separating the lot from the future street right-of-way.
- B. **Rear Lot Line.** A lot line, most distant, and most nearly parallel or concentric to the front lot line. (A three-sided lot has no rear lot line.)
- C. **Side Lot Line.** The lines most nearly perpendicular to the front lot line. If the side lot lines intersect a curved street, they shall be arranged most nearly perpendicular to the line which would result from connecting the endpoints of the lot frontage with a straight line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular to the street abutting the front yard [for how to determine the front yard location on a corner lot, see definition of “Yard, Front”]. A “side street lot line” is a side lot line separating a lot from a street.

**Lot, Merged.** A lot which has resulted from the merger of two or more contiguous, nonconforming parcels of land that were held under single ownership.

**Lot Width.** The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end. The lot width shall be measured facing a street.

**Major Intersection.** The intersection of any arterial or collector street with any other arterial or collector street as defined by the Montgomery County Comprehensive Plan, 2005. The transportation engineer shall seek guidance from the Planning Commission prior to the initiation of the traffic impact study to insure agreement on the location of major intersections.

**Manufacture.** The making, with substantial use of machinery, of some product for sale, and associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

**Manufactured Home** – see “Dwellings”.

**Massage Parlor.** An establishment that meets all of the following criteria:

- A. Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person’s skin other than the face or neck by another person that is related to certain monetary compensation.
- B. The person conducting the massage is not: licensed as a health care professional or a licensed massage therapist by the State or related to the person receiving the massage by blood, adoption, marriage or official guardianship.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

**Medical Office.** A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

**Membership Club.** An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routing socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. This use shall not include a motor vehicle race track or after hours club.

**Mineral Extraction.** The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. “Mineral extraction” includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore, but shall not include: a) removal of material from the ground solely to provide routine fill, or b) routine movement of and replacement of topsoil during construction.

**Mini Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods and wares.

**Mobile/Manufactured Home.** See "Dwellings."

**Mobile/Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of three or more mobile/manufactured homes for a non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes with each dwelling on its own subdivided and approved individual lot of record shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

**Modular Home.** See "Dwelling".

**Motel.** See "Hotel, Motel, or Inn."

**Motor Vehicle Race Track.** A use involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

**Motor Vehicle Sales Agency.** A commercial use for the sale, and possibly including repair, of motor vehicles, including new and used cars, trucks and/or farm equipment; having both indoor and outdoor display areas, and providing maintenance and repair services for vehicle owners.

**Municipal Waste Landfill.** Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants (*from PA Law No. 1988-101*)

**Municipalities Planning Code or State Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**Municipal Waste.** The definition of municipal waste as set forth in Pennsylvania Solid Waste Management Act (35 PS Section 6018.101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.

**Night Club.** A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing.

**No-Impact Home-Based Business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

**Nonconforming Lot.** A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Zoning Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

**Nonconforming Sign.** Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height or size to the regulations of **Article XVI: Signs**.

**Nonconforming Structure.** A structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of this Ordinance. Such structures including, but are not limited to, buildings, fences and swimming pools.

**Nonconforming Use.** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the enactment of this Ordinance or amendments.

**Nursing Home.** A facility licensed by the State for housing and intermediate or fully-skilled nursing care of three or more persons.

**Off-Site Transportation Improvements.** Other transportation-related improvements which are generally not contiguous with the property being developed and not required as an on-site improvements but found to be necessary, partly or wholly as a result of the proposed development.

**Office.** A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and television or radio broadcasting studios.

**Official Street Classification Map.** The map as adopted by the Township Board classifying the streets of the Township. See definition of “Street Classification.” This map may be amended by resolution of the Township Board.

**Official Zoning Map.** The map as adopted by the Township Board which designates the location and boundaries of zoning districts.

**One-Hundred Year Flood.** See “Flood, One-Hundred Year”

**On-Site Transportation Improvements.** All improvements on or adjacent to the development site in the public right-of-way required to be constructed by the developer pursuant to any ordinance, resolution or requirement of the Township.

**Open Space, Common.** A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. If not intended to be publicly owned, is covered by a system for perpetual maintenance;
- C. Will be deeded to the Township or deed-restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation; and
- D. Does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) accessways, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for their own use, or 7) land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

**Ordinance.** The Township Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

**Outdoor Living Area.** Any improved outdoor area extending from or attached to a dwelling unit and designed for the exclusive use of the residents of that dwelling unit; including balconies, patios, porches or similar areas, but not including structures such as porticos, which simply provide sheltered access to a dwelling unit.

**Parapet.** That portion of a wall which extends above the roofline.

**Parking Space.** A reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways, driveways or other means of circulation or access.

**Parking Space, All-Weather.** A parking space surfaced with asphalt or other equivalent material approved by the Township.

**Patio.** A level, surfaced area directly adjacent to a principal building, at or within three feet of the finished grade, without a permanent roof intended for outdoor lounging, dining or the like.

Paved Area. All areas covered by man-made impervious surfaces (e.g., macadam, concrete, etc.). Does not include areas covered by buildings.

PennDOT (PADOT). The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Zoning Ordinance, a zoning permit or “a permit under this Zoning Ordinance” shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to best knowledge of the Township Staff, in accordance with the provisions of the Building Code which may be adopted by the Township.

Permitted By-Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Township Board. (A site plan review by the Planning Commission and the Township Board is required for certain permitted by-right uses to ensure that the use would comply with all Township ordinances). A “nonconforming use” shall not be considered to be a “permitted use.”

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any “adult uses.”

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops, but shall exclude exotic or endangered animals, pigs, snakes, and livestock.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries, shrines, temples, mosques or other facilities used primarily for religious or spiritual worship (but also for meetings and other activities related to religious ceremonies) and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use for housing of employees of the place of worship and their family. If a religious use is primarily residential in nature, it shall be regulated under the appropriate “dwelling.”

Planned Shopping Center/Retail Center. A building or group of buildings erected, altered or used for any combination of two or more of the uses permitted in the PRC –Planned Retail Center, on a lot or lots, where such building or group of buildings shall consist of a total gross floor area of not less than 100,000 square feet.

Planning Commission. The Planning Commission of West Pottsgrove Township.

Plant Nursery. The indoor or outdoor raising of trees, plants, shrubs, or flowers for sale, but not primarily including commercial forestry or lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Playfield. A common area with a subdivision or land development for neighborhood residents to use for informal, active recreation purposes such as “sand-lot” ball games and other activities requiring a large lawn area, away from homes or other buildings, for their proper conduct. Playfields are not included for formalized programs such as little league baseball or midget football, which should be conducted on more appropriate facilities. Standards for the playfield shall be:

- A. Minimum Area: 15,000 square feet.
- B. Minimum Horizontal Dimension: 125 feet.



- C. Maximum Grade: 3 percent.
- D. Location: Reasonably centralized on the tract.

**Portable Storage Units.** Portable containers are a temporary use, that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than 8' X 8' X 16'.

**Principal Building.** The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

**Processing.** The definition of processing as set for in the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. 4000.101 as amended).

**Professional Office.** An office for a physician, lawyer, dentist, architect, professional engineer, planner or other such profession, but not including real estate office, beauty shop or mortuary.

**Public Transit.** Transportation services for the general public provided by a common carrier of passengers generally but not necessarily on a regular route basis, by a public authority or a private operator offering service to the public.

**Public Utilities Facility.** A building or structure and its equipment, used for the transmission and exchange of telephone, radio telephone, gas, power, sewer and water facilities, provided; however, that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

**Rear Yard.** See "Yard".

**Recreation, Commercial.** Leisure-time uses that are primarily operated for commercial purposes.

**Recreation, Private.** Non-commercial leisure-time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance.

**Recreation, Publicly-Owned.** Land or structures that are owned by a government agency or the Township and are available for use by the general public for leisure and recreation.

**Recreation Vehicle or Recreational Equipment.** For the purpose of this article, the terms "recreational vehicle" or "recreational equipment" shall include boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers and other trailers including, but not limited to trailers for hauling snowmobiles, motorcycles, or similar singular vehicles, and cases or boxes for transporting recreational equipment. Recreational vehicles also shall include tent trailers, travel trailers, motor homes, mini-motor homes and any similar self-propelled or trailered vehicles used mainly to provide easily transportable living accommodations. Also included are snowmobiles, all-terrain vehicles, and four-wheel drive vehicles meant for rugged, off-the-road use.

**Recreation Vehicle Sales Agency.** A commercial use for the sale and possibly repair, and/or rental of new and/or used recreation vehicles, having both indoor and outdoor display areas, and possibly providing maintenance and repair services.

**Recycling.** The definition of recycling as set for in the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. 4000.101 as amended).

**Recycling Collection Center.** A use for collection and temporary storage of more than 200 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 200 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, an emergency services station or a college or university.

**Recycling Facility.** The definition of a recycling facility as set for in the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. 4000.101 as amended).

**Related or Relative.** Persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law or parent-in-law. For the purposes of child day care regulations, “relative” may also include a first cousin. This term shall not include relationships such as second cousins or cousins further removed.

**Repair Service.** Shops for the repair of appliances, watches, guns, bicycles and other household items.

**Residential Accessory Building, Structure or Use.** A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children’s Playhouse, and Children’s Play Equipment.

**Residential Districts.** The R-1, R2, and R3 Zoning Districts.

**Residential Lot Lines.** The lot line of a lot that: a) contains an existing dwelling or b) is undeveloped and zoned as a Residential District.

**Residual Waste.** The definition of residual waste as set forth in Pennsylvania Solid Waste Management Act (35 PS Section 6018.101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.

**Resource Recovery Facility.** The definition of resource-recovery facility as set forth in the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. 4000.101 as amended).

**Restaurant.**

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on that premises.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a “tavern” or nightclub as applicable must be met. A fast food restaurant is any restaurant which is characterized by one or more of the following features:
  - 1. Orders are placed and received at a central counter.
  - 2. Orders are frequently packaged for takeout.
  - 3. Orders may be consumed at tables or booths within the facility, which must be cleared by the customers.
  - 4. Waiter/Waitress services is not provided.
  - 5. Menu selections are limited.
  - 6. Disposable containers and utensils are used rather than reusable dishes and table service.

A restaurant shall not include a use meeting the definition of a “nightclub” or an “after-hours club.”

**Restaurant, Drive-In.** A commercial use which dispenses food and drink ready for consumption, to customers who place and receive their orders without leaving their cars or other motor vehicles. Also included are restaurants in which a drive-in facility provides only a portion of the sales.

**Retail Use.** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase or rental and removal from the premises by the purchaser.

**Right-Of-Way.** A strip of land, over which are provided access rights for various purposes, including vehicular travel, storm drainage and utility lines. Rights-of-way are further defined as follows:

- A. **Legal Right-Of-Way.** The road or street right-of-way legally in the public domain. Generally, an old, legal right-of-way will be substandard by comparison with current requirements, may overlap the lot as described by deed description and shall be superseded by the ultimate right-of-way.
- B. **Ultimate Right-Of-Way.** Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms “ultimate-right-of-way”, “right-of-way-reserved-for-future-dedication” and “future right-of-way” shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way. Ultimate right-of-way is the road or street right-of-way projected as necessary for adequate handling of current or future traffic volumes, as defined in the Township’s Subdivision and Land Development Ordinance. Upon approval of a

plan in compliance with this Chapter and the West Pottsgrove Township Subdivision and Land Development Ordinance, the ultimate right-of-way shall become the legal right-of-way.

- C. Equivalent Right-Of-Way. A road or street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with the West Pottsgrove Township Subdivision and Land Development Ordinance.

**Roof Line.** A horizontal line intersecting the highest point or points of a roof or parapet wall.

**Roof, Pitched.** A shed, gabled or hipped roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof.

**Rooming House** (see Boarding House).

**Sanitary Landfill (or Solid Waste Landfill).** A type of "solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste and covering the waste with soil and which has a permit to operate as a sanitary landfill from the State.

**Sanitary Sewer Facility.** A public sanitary sewer system, or comparable common or package sanitary sewer facility approved by the appropriate governmental health agency.

**Satellite Dish Antenna or "Satellite Antenna".** A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

**Satellite Use.** A commercial establishment in a shopping center, located independent of other buildings, and frequently near the road frontage of the center. These uses are often ancillary to large stores in the center, but may also include highway-oriented or other commercial uses such as gasoline stations and fast food restaurants.

**School, Public, or Private Primary or Secondary School.** An educational institution primarily for persons between the ages of five and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

**Screening.** Year-round plant material of substantial height and density designed to buffer an intense use from another use or street.

**Self-Storage Development.** A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

**Septage.** Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

**Setback, Front Yard.**

- A. The front yard within a lot representing the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. Eaves and cornices shall not be counted towards the required setback distance.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets – For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

**Sewage Disposal System.** A system to collect, treat and dispose of sewage.

- A. Central Sewer Service. Service at the time of occupancy of a use by a sewage treatment system that serves a minimum of 20 dwelling units or five principal non-residential uses.
- B. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.

- C. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of “central sewer service.”

Sewage Facilities, Central. A sewage disposal system in compliance with all state and local regulations, approved by the Pennsylvania Department of Environmental Protection and applicable sewer authority, and providing service to multiple customers. Public sewer systems are included in this definition.

Sewage Sludge, Land Application of. The spreading on land of the treated conditioned accumulated settled solids and similar stabilized residue from septic and holding tank pumping and sewage treatment systems.

Shopping Center. A group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled, common vehicular and pedestrian access. A shopping center may also include a mix of permitted personal service, office and commercial recreation uses.

Shade Tree. A tree species selected and planted for its ability to provide shade, often along a sidewalk, street, or parking area.

Side Yard. See “Yard”.

Sight Distance. The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver (Pennsylvania Code, Title 67, Chapter 441, “Access to and Occupancy of Highways by Driveways and Local Roads,” as amended).

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices, or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

- A. Sign Area. See **Article XVI: Signs**.
- B. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called “billboards.”

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, the ownership of which is separate and distinct from that of any adjoining lot.

Single-Family Detached Dwelling. See “Dwelling”.

Site Plan Review. Review of a site plan by the Planning Commission and/or Township Board that is required for certain uses under Article I.

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Soil Survey. The Soil Survey for Montgomery County, prepared by the Soil Conservation Service of the United States Department of Agriculture.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to West Pottsgrove Township.

Solid Waste.

- A. Solid Waste. The definition of solid waste as set forth in Pennsylvania Solid Waste Management Act (35 PS Section 6018.101 - 6018.1003) and/or the Pennsylvania Code (25 PA Code Chapters 271-285) are incorporated herein by reference.
- B. For the purposes of this Zoning Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch, and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.
- B. The following uses for the purposes of this Zoning Ordinance shall not be considered to be a solid waste disposal facility; junkyard, recycling collection center, leaf composting, clean fill or Septage or sludge application.

**Solid Waste-to-Energy Facility.** A type of “Solid Waste Disposal Facility” that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

**Solid Waste Transfer Facility.** A type of “Solid Waste Disposal Facility” which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

**Special Exception Use.** A use requiring zoning approval by the Zoning Hearing Board within the standards and procedures of **Article XXI: Conditional Uses & Special Exceptions**. A special exception use is that use which would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation of neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. The Zoning Hearing Board may approve a special exception following a public hearing and findings of fact consistent with the provisions of this ordinance, provided the use complies with specified conditions and standards outlined in this ordinance.

**Sportsmen’s Club.** A club with a primary purpose of conservation, fishing, or hunting.

**State.** The Commonwealth of Pennsylvania and its agencies.

**Steep Slope.** A grade of 15 percent or greater as determined by the Soil Survey of Montgomery County, as prepared by the Soil Conservation Service of the USDA, or accurate contour mapping.

**Storage of Waste.** The containment of waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of waste in excess of one day shall constitute disposal rather than storage, unless such waste is in the form of clean glass, metal, paper or other sorted recyclables approved by the Township, which can be contained for periods not to exceed one month. This presumption can be overcome by clear and convincing evidence to the contrary.

**Storage Shed.** An enclosed accessory building maintained primarily for the convenience of the occupants of the principal building on the lot and which is not used for the housing of a motor vehicle with four or more wheels. A storage shed may not be a motor vehicle, trailer of any type, POD or other storage container.

**Storage Trailer.** A container, typically made of steel, designed to be hauled by a truck. Storage trailers are often approximately 9 feet tall, 8 feet wide, and 28 to 48 feet long. These do not include Portable Storage Units, which are typically smaller (usually 7 to 16 feet long), more temporary in nature, and used when moving.

**Story (and Half-Story).** A level of a building routinely accessible to humans having an average vertical clearance seven feet or greater shall be considered a full story, except as provided for in the definition of “basement.” Any level of a building having an average vertical clearance from floor to ceiling of less than seven feet shall be considered a “half-story.”

**Street.** A public or private thoroughfare which provides the principal means of vehicle access to abutting lots, carries traffic from local streets to arterial streets, or carries through-traffic, provides access to abutting non-residential uses, or that is an expressway, but not including an alley or a driveway. The terms “street”, “highway” and “road” have the same meaning and are used interchangeably.

**Street Center Line.** The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

**Street Classification.** The functional classification of streets into the following types, as shown on the Official Street Classification Map for existing streets and as determined by the Township Engineer for future streets:

- A. Expressway – A divided, multi-lane, limited-access highway.

- B. Arterial Street. Designed for high volumes of and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting non-residential uses. Arterials are further subdivided into “major” and “minor” arterials.
- C. Collector Street. Designed to carry a moderate volume of traffic from local streets to arterial streets. Collectors are further subdivided into “major” and “minor” collectors.
- D. Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Street Line. See Ultimate Right-of-Way Line.

Street Trees. Trees required to be planted parallel to an ultimate-right-of way or curb line by Zoning or the Subdivision and Land Development Ordinance.

Structure. Any man-made object, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Zoning Ordinance.

Subdivision. See the definition in the Township Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). West Pottsgrove Township Subdivision and Land Development Ordinance, as amended.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Swimming Pool, Household. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for recreational bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water for recreational bathing or swimming and that does not meet the definition of a “household” swimming pool. This includes: 1) a “semi-public” pool that serves only residents of a development or members of a club and their occasional guests or 2) a “public” pool intended to serve the general public. See also provisions at the end of Section 306 which permit “Recreational Facilities” limited to use by employees of a use or residents of a development as an accessory use.

Tavern. A place where alcohol beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a “nightclub” or an “after-hours club.” The sale of food may also occur. See also the definition of restaurant.

Temporary Uses. Certain uses and activities which might not otherwise be permitted by this ordinance shall nevertheless be such that their establishment and operation for a limited period of time will serve the public interest, and which may be permitted in any district upon application to and approval by the Board of Commissioners and the issuance of a temporary use permit by the Zoning Officer.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 50 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Tot Lot. A confined, developed neighborhood play area primarily for use by preschool children. Low maintenance play equipment and structures shall be used and confined by a gated fence, a minimum of 3 feet high.

Townhouse. See “Dwelling Types.”

Township. West Pottsgrove Township, Montgomery County, Pennsylvania.

Township Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer or assistant engineer for West Pottsgrove Township.

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets, or waterways) within the Township that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. Shall only include lands within a submitted preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract: and
- B. Shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A use that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Trailer. A vehicle without motor power which may be towed on public highways by a passenger automobile without a special hauling permit, which is designed for human occupancy under transient circumstances such as camping, travel or other recreation, and having a body width not exceeding 8 feet and a body length not exceeding 32 feet.

Trailer Camp. A parcel of land under single ownership which has been planned and improved for the placement of trailers for transient use.

Treatment. The definition of treatment as set forth in Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. 4000.101 as amended).

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing for persons who need specialized housing, treatment or counseling for stays of less than one year and who need the housing because of:

- A. Criminal rehabilitation, such as a criminal half-way house or a treatment center for persons convicted of driving under the influence of alcohol;
- B. Addiction to alcohol or a controlled substance; or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. (For housing of persons with other types of mental illness, see "Group Home.")

Trip. A one way trip into or out of the premises, and not what is commonly referred to as a "round trip".

Trip Generation Rates. The total count of trips to and from a study site per unit of land use, as measured by parameters like dwelling units or acres. The Institute of Transportation Engineers (ITE) Trip Generation Report (Third Edition, as amended) shall be referenced to determine specific rates.

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from the tractor-trailer trucks and reloaded onto tractor-trailer trucks. This shall not include a use that involves significant processing, such as a feed and grain mill. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

Twin. See "Dwelling Types".

Ultimate Right-of-Way. See Right-of-Way.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Used Car Lot, or Lot for Sale of Recreation Vehicles. A commercial use for the sale and/or rental of used cars, trucks and/or recreation vehicles, which has only outside display areas, a small building for office purposes and generally not providing repair or maintenance services for vehicle purchasers beyond preparation for sale.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code.

Vegetative Cover. The land area devoted to vegetative coverage, including, but not limited to lawns, trees, shrubs, flowers and gardens.

Vehicle, Abandoned. A vehicle shall be considered abandoned if either of the following definitions applies:

- A. A motor vehicle, or a part thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his or her ownership, possession, and control, without vesting ownership in any other person.
- B. A motor vehicle which does not bear all of the following:
  1. A valid registration plate; and
  2. A valid certificate of inspection and/or emissions;
  3. An ascertainable vehicle identification number.

Veterinarian Office. A building or group of buildings primarily used for the treatment of animals and related accessory housing or boarding of sick animals. Housing of primarily healthy animals shall be considered a “kennel” and shall meet the requirements of that use.

Wall. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a “wall.” Regulations affecting the term “wall” do not regulate engineering retaining walls, which are permitted uses as needed in all Districts. See also “Fence”. Types of walls:

- A. Bearing wall. A wall which supports any vertical load in addition to its own weight.
- B. Common wall. A wall owned by one party but jointly used by two parties, one or both of whom is entitled to such use under the provisions of a lease.
- C. Dry wall. A wall of stone or other durable material, laid without mortar.
- D. Fire wall. A wall which subdivides a building to restrict the spread of fire. It starts at the foundation and extends continuously through all stories to and above the roof.
- E. Foundation wall. Any bearing wall or pier below the first-floor construction.
- F. Parapet wall. That part of an exterior, party, or fire wall extending above the roof line.
- G. Party wall. The wall used jointly by two parties under easement agreement and erected at or upon a line separating two parcels of land that may be held under different ownership.
- H. Retaining wall.
  1. Any wall subject to lateral pressure other than wind pressure.
  2. A wall built to support a bank of earth.

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Warrants for Traffic Signal Installation. - A series of tests which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways (U.S. Department of Transportation, Federal Highway Administration, 1978, as amended).

Water Survey. An inventory of the source, quantity, yield and use of groundwater and surface water resources within West Pottsgrove Township.

Water System. A system to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.



- A. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority, or c) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.
  - 1. “Public” Water Service. Central water service by a system owned by a municipality or county authority.
- B. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a “central water service.” In most cases this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land or water meeting one or more definitions of a “wetland” under Federal or Pennsylvania law or regulations.

(NOTE. - As of 1996, the following was the official U.S. Army Corps of Engineers’ definition of wetlands: “Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.” Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1996, the U.S. Army Corps of Engineers and DEP enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A “yard” measured from the front lot line (which is the future street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Zoning Ordinance.

Yard, Rear. A “yard” extending the full-width of the lot measured from the rear lot line and that stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Zoning Ordinance.

Yard Sale. See Garage Sale.

Yard, Side. A “yard” measured from the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Zoning Ordinance.

Zoning Map. The Official Zoning Map of West Pottsgrove Township, Montgomery County, Pennsylvania.

Zoning Officers. The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance, or their officially designated assistants.

Zoning Ordinance. West Pottsgrove Township Zoning Ordinance, as amended.

### ARTICLE III Zoning District Classifications

**§300. Districts.**

For the purpose of this Ordinance, the township is hereby divided into eight districts, which shall be designated as follows:

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

**§301. Zoning Map.** The boundaries of said districts shall be as shown on the map attached to and made a part of this ordinance, which map shall be known as the “Zoning Map of West Pottsgrove Township.” Said map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance, and shall be as much a part of this ordinance as if all were fully described herein.

**§302. District Boundaries.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way. Waterways and railroads, and lot lines as they existed on a recorded deed or plan of record in the county Recorder of Deeds’ office at the time of the adoption of this Zoning Ordinance, unless such district boundary lines are fixed by dimensions or other specific notations as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless the same is indicated by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area and lot width shall be regulated by the regulations of the municipality in which the principal use is located, unless otherwise provided by applicable case law.

**§303. Federal- and State-Owned Property.** Whenever federal 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 ordinance, unless exempted under **§111: Township Limited Exemption**.

**§304. Classification of Uses.** For the purposes of this ordinance, the following classes of uses are established:

Primary Uses	Accessory Uses	Temporary Uses
Special Exception Uses	Nonconforming Uses	Conditional Uses

**A. Definitions and Limitations of Uses:**

1. **Primary Uses.** Primary uses are permitted by right provided said use is shown as a primary use listed in the use regulations section of the zoning district in which the use is located, and the use is in conformance with all other provisions of this ordinance.
2. **Accessory Uses.** Accessory uses are permitted by right provided said use is authorized pursuant to **§401: Accessory Uses** of the Zoning Ordinance for the district in which the use is located, and the use is in conformance with all other provisions of this ordinance, and further provided that:
  - a. The proposed accessory use is customarily associated with or provided with the permitted primary use existing on the lot. “Customarily associated with” includes accessory uses located across the street from the permitted primary use if the accessory use is parking, a garage, or recreation use.
  - b. The extent, size and intensity of such proposed accessory use is in keeping with the scale, nature and characteristics of the permitted use on the lot.
  - c. The proposed accessory use or structure is not contrary to the intent of the zoning district in which the lot is located.
  - d. An accessory use or structure shall not be permitted to exist unless the primary use exists on the same lot or an adjacent lot under common ownership, except as may be permitted for parking under Section 1602 of this ordinance.
3. **Temporary Uses.** It is hereby recognized that certain uses and activities which might not otherwise be permitted by this ordinance are nevertheless such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this ordinance, such uses are declared to be

- “Temporary Uses” which will require a permit in any district upon application to and approval by the Board of Commissioners, subject to the following:
- a. The proposed use is of such nature that at the time of application it would not exert a detrimental effect upon the use of neighboring properties.
  - b. The proposed use will materially contribute to the general welfare, needs and convenience of the Township of West Pottsgrove and the general public.
  - c. The proposed use shall be related to the existing nature of the site.
  - d. The duration of the proposed use shall be established by specific dates as will in the judgment of the Board of Commissioners serve the intended purpose.
  - e. Security may be required by the Board of Commissioners in an amount necessary to restore the property in which the temporary use was located to its original condition or to a condition in compliance with the requirements of the Zoning Ordinance.
  - f. The following are illustrations of temporary uses of the type contemplated by this section.
    - i. “Contractor’s field offices, equipment and material storage and staging areas, and other such operations necessary or customary to the development of land and construction of buildings.” Permits for these uses will expire upon completion of construction.
    - ii. “Real estate sales office in a development dealing exclusively in the sale or rental of the finished product of the development.” Permits for these uses will expire when two-thirds of the properties are sold.
    - iii. “Fireman’s fair, Christmas tree stands, a bazaar or other similar uses.” Permits for these uses will expire after two months.
    - iv. Portable Storage Units. Permits for these will expire after 30 days [see **§445: Portable Storage Units**].
4. Special Exception Uses. It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may become injurious to the public health, safety and general welfare by reason of their inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be “Special Exception Uses” and may be permitted upon application to and approval by the Zoning Hearing Board provided said use is shown as a special exception use for the district in which the use is located and subject to the following considerations:
- a. The design, characteristics and operation of the use is such that the public health, safety and general welfare will be protected and reasonable consideration is given to but not limited to character of the neighborhood and zoning district, conservation of property values, and traffic safety and road capacities.
  - b. Each special exception use shall adhere to the minimum standards specified for the particular use by the applicable regulations of this ordinance.
  - c. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as it may deem necessary to implement the purposes of this ordinance.
5. Nonconforming Use. Nonconforming use,” a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. No nonconforming use shall be created or established subsequent to the enactment of this ordinance. Any application for which proper fees have been paid and any action before the Zoning Hearing Board at the time this ordinance is advertised shall proceed and be determined in accordance with the ordinances in effect prior to the enactment of this ordinance.
6. Conditional Uses [see **Article XXI: Conditional Uses and Special Exceptions**]. It is hereby recognized that the establishment, maintenance and operation of certain uses may be necessary to serve the needs and convenience of the public and the Township, but that such uses may become injurious to the public health, safety and general welfare by reason of their inherent nature and/or operation and maintenance and, therefore, require special and proper consideration of, inter alia, the proposed use, and characteristics of the surrounding area. Such uses are hereby declared to be “conditional uses,” and may be permitted upon application to and approval by the Board of Commissioners provided said use is shown as a conditional use in the zoning district in which the use is located and subject to the following considerations:
- a. The design, characteristics, maintenance and operation of the use are such that the public health, safety and general welfare will be protected and reasonable consideration is given to among other things, the character and suitability of the location in question and the zoning district, traffic safety and road capacities, conservation of property values, and preservation of natural and quality of the environment.

- b. Each conditional use shall adhere at least to the minimum standards specified for that particular use by the applicable regulations of this ordinance.
- c. In granting a conditional use, the Board of Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as it may deem necessary to implement the purposes of this ordinance.

**§305. Applicability of District Regulations.**

- A. The regulations set by this Zoning Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Zoning Ordinance.
- B. No structure or land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

## ARTICLE IV General Regulations

**§400. Access to Public Street.** No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. In the event the open space is less than the lot width required in that zoning district, a variance shall be required. The dwelling shall take access from an open public street which is paved and improved in accordance with SALDO requirements.

**§401. Accessory Uses.** Accessory uses authorized in this ordinance shall include, but not by way of limitations, the following:

- A. Uses Accessory to Agriculture: Greenhouses, roadside stands for sale of products produced on the premises; barns; keeping, breeding and management of livestock and poultry (excluding pigs); and preparation of products produced on the premises for use and disposal thereof by marketing or otherwise; but no barn, poultry house or similar structure shall be erected or used nearer to any lot line than 100 feet, or within the 100-year flood plain.
- B. Uses Accessory to a Dwelling:
  - 1. Private garage (maximum height for detached garages: 20 ft.), private parking space, shelter for domestic house pets are permitted as accessory uses in all residential districts. A private stable and chicken house having an area of no more than 175 square feet shall be permitted in the R-1 Residential District only. No such stable or chicken house shall be erected other than in the rear yard of such lot, and at a distance of not less than 40 feet from the rear and side lines thereof, and from any dwelling thereon. No fowl or animal shall be maintained without a suitable building therefore.
  - 2. Private greenhouses.
  - 3. Living quarters for household employees.
  - 4. Professional office or studio of a doctor, dentist, healer, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character, or rooms for home occupations, provided that the office studio or rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto, and provided further that no goods are publicly displayed on the premises.
  - 5. Private swimming pool.
  - 6. Uses authorized in this ordinance as accessory to a dwelling shall not be deemed to include a business, hospital clinic, animal hospital, barber shop, beauty parlor, other personal service shops, tea room, hotel or any similar use.
  - 7. A storage shed or sheds, not exceeding two per lot, up to 140 s.f. per storage shed, are allowed only in the side and rear yard areas, provided they are no closer than 5 feet to a side or rear lot line, and must be located at least 10 feet further back from the rear most portion of the principal building on said lot. Storage sheds more than 100 s.f. shall be constructed on a permanent foundation or other permitted permanent fixture. Storage sheds shall not exceed 15 feet in height.
  - 8. No-Impact Home-Based Business.
    - a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
    - b. The business shall employ no employees other than family members residing in the dwelling.
    - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
    - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
    - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
    - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
    - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
    - h. The business may not involve any illegal activity.
- C. Uses Accessory to Noncommercial Recreational Uses. Customary recreational, refreshment and service uses and buildings in any noncommercial recreational district.
- D. Uses Accessory to Commercial and Industrial Uses:
  - 1. Accessory buildings such as garages and buildings related to the proposed use and meeting the same yard requirements as the principal buildings.
  - 2. Off-street parking and loading areas as in accordance with **Article XV: Off-Street Parking and Loading**.

3. Signs in accordance with **Article XVI: Signs**.
4. Outdoor storage use areas for equipment, supplies and materials provided that they are screened from view of adjacent properties and streets and subject to the requirements of **§441: Outdoor Storage Control**.
  - a. The storage of crude oil or any of its volatile products or other highly inflammable liquids as an accessory use in underground tanks provided that no individual tank shall have a capacity greater than 10,000 gallons. Propane liquefied gas shall be stored above ground.
  - b. Fences and walls shall not exceed 8 feet in height and be no closer than 3 feet to a property line unless there is a letter of consent from the adjacent property owner and in no case shall it be closer than 3 feet to the street right-of-way line.
- E. Other Accessory Uses
  1. Accessory uses other than those listed may be permitted in compliance with the requirements for principal uses in the district in which they are located and which they are accessory to.
  2. Any building used for an accessory use shall not exceed 1,500 square feet in area.
  3. An accessory structure shall be constructed for a specific use incidental to the principal structure. This accessory structure can be built on site or manufactured elsewhere. Accessory structures to a residential use shall not include recycled truck bodies, gutted mobile homes, used fuel tanks or other objects or structures which were manufactured for another purpose.

#### **§402. Additional Applicable Regulations**

In addition to complying with the specific requirements in other applicable articles of this Zoning Ordinance, proposals shall comply with other Township regulations. Subdivision and/or land development proposals are further regulated by the West Pottsgrove Township Subdivision and Land Development Ordinance.

#### **§403. Additional Regulations for Parking in Residential Districts.**

- A. Routine parking of not more than two commercially registered vehicles with not more than four wheels each, which are used regularly or frequently for business purposes shall be permitted. Routine parking of more than two such vehicles shall constitute a business operation and shall not be permitted in a residential district.
- B. Routine parking of one commercially registered vehicle with not more than six wheels, which is used regularly or frequently for business purposes shall be permitted; more than one shall constitute a business operation and shall not be permitted in a residential district.
- C. Recreational vehicles shall not be parked in the street for longer than 48 consecutive hours.
- D. Recreational vehicles shall not be parked in the front yard.
- E. Recreational vehicles shall not be parked closer than 6 feet from the side property line.
- F. There shall be no parking of recreational vehicles in front or side yards, with the exception of that on a paved surface adjacent to a garage or carport.

#### **§404. Auto Repair Garage or Service Station.**

- A. The minimum lot area required shall be 20,000 square feet, unless a larger size is required by the applicable zoning district.
- B. All repair operations, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be conducted within a completely enclosed building.
- C. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings.
- D. See performance standards in this Article, including **§447: Prohibited Uses and Performance Standards**, **§438: Noise Control** and **§441: Outdoor Storage Control**.
- E. Outdoor storage of any vehicle shall be setback a minimum of 20 feet from a lot line of an existing residential use.
- F. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally
- G. Screened from view from the street or an adjacent residential use by a solid or privacy fence.
- H. An individual "junk vehicle" (as defined by **Article II: Definitions**) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time.
- I. Fuel pumps shall be located at least 30 feet from the ultimate right-of-way.
- J. Such use shall be located no closer than 100 feet to any property in any R Residential Zoning District.
- K. Outdoor lighting shall be shielded and reflected away from streets and adjoining properties.
- L. No vehicle shall be displayed or offered for sale outdoors which does not have all the mechanical and body components necessary for safe and lawful operation.

- M. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened in such a fashion that the vehicles will not be visible from public streets or adjacent residential property, and shall not obstruct access to a public right-of-way.
- N. Canopies over gasoline pumps shall meet the following standards:
  - 1. Canopies shall be set back at least fifteen (15) feet from property lines and ultimate rights-of-way and fifty (50) feet from abutting residential uses or districts.
  - 2. Canopies shall be a maximum height of sixteen (16) feet measured to the underside of the canopy. For slanted canopies, this 16-foot maximum can be measured at the portion of the canopy closest to the street.
  - 3. Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.
  - 4. Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full cutoff flat lens luminaire.
  - 5. Canopies shall be designed to be architecturally compatible with structures on the property with regard to color and building materials. Pitched roofs shall be used wherever possible.
- O. All fuel, oil and similar substances shall be stored at least 25 feet from any property line.
- P. The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of **Article XX: Violations, Fines, Remedies and Charges**.

#### **§405. Bed-and-Breakfast Accommodations.**

Where permitted by zoning, bed-and-breakfast accommodations may be operated with the following regulations:

- A. A bed-and-breakfast enterprise shall have no more than 5 guest bedrooms, accommodating no more than 10 guests at any one time.
- B. Meal service is limited to one daily meal per paying overnight guest. Owners shall comply with all federal, state and local requirements for the preparation, handling, and serving of food. Separate cooking facilities shall not be provided in any guest room. Food shall only be served to guests who are staying overnight, and not to the general public, unless a restaurant is also permitted in the district and the requirements for a restaurant are also met.
- C. Owner shall maintain a current guest register.
- D. Bed-and-breakfast accommodations may not sell alcoholic beverages.
- E. Each bed-and-breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the stipulations of the Township Fire Code. Guest shall be provided with information regarding the floor plan of the building and the location of emergency exits.
- F. The Township Engineer shall certify that adequate public water and public sewer facilities are available for the intensity of the proposed use.
- G. Minimum lot area of 10,000 square feet plus 300 square feet for each sleeping area in excess of four provided the prescribed yard, lot width, and height requirements for a one-family dwelling are met.
- H. At least one bathroom shall be provided for every three rental units, plus one bathroom for resident operators.
- I. Signs. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign which shall: 1) not be internally illuminated, 2) have a maximum sign area of six square feet on each of two sides, and 3) have a maximum total height above the ground of eight feet.
- J. Appearance. The use shall have an appearance and character consistent with a residence. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements and any necessary safety or handicapped access improvements.
- K. The use shall be operated and managed on a daily basis by owners permanently residing on the premises. A maximum of two non-resident employees may regularly work on the premises.
- L. The use shall be limited to transient visitors to the area. No guest shall stay for more than 30 total days in any 60 day period.
- M. The use of any amenities, such as swimming pool or tennis court, shall be restricted in use to overnight guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is permitted in the district and the requirements for such use are also met.
- N. A Bed and Breakfast use may be within any principal building that meets the requirements of this Section. No new accessory building shall be built to accommodate rental units or a restaurant. All existing principal buildings shall be retained and the rooflines of such buildings shall be maintained.

- O. Recreation Activity Setback. All active recreation activities shall be setback a minimum of 25 feet from lot lines and shall cease at sundown.
- P. Liquor. The use shall not operate in combination with a liquor license, nor shall alcoholic beverages be sold by the drink. If alcoholic beverages are made available to guests, all applicable State laws regulating the alcoholic beverages shall be complied with.
- Q. Parking shall not be permitted in the required front yard.
- R. Adequate provisions shall be made for access by fire and emergency medical vehicles.

**§406. Boarding House or Rooming House.**

- A. A boarding house shall not include a use that meets the definition of a hotel, motel, life care center, personal care center, bed and breakfast use, group home or nursing home.
- B. A boarding house may either involve or not involve the providing of meals to residents.
- C. This use shall only involve renting living accommodations for minimum periods of five consecutive days.
- D. Minimum lot area: 7,500 square feet, plus 300 square feet for each sleeping room in excess of four, provided the prescribed yard, lot width, and height requirements for a one-family dwelling are met unless a large lot is required by the applicable district regulations.
- E. Each sleeping room shall be limited to 2 persons each.
- F. Signs shall be limited to two; all signs shall have a maximum of two square feet each.
- G. Rooms shall be rented for a minimum period of five consecutive days.
- H. Boarding or rooming houses shall be inspected quarterly (the owner of the boarding or rooming house shall pay for the cost of the inspection).
- I. Boarding or rooming houses are required to conform to the rental ordinance.
- J. Waste disposal and loading areas shall be located to the rear of structures.
- K. Where provided, parking shall have the following setbacks:
  - 1. From ultimate right-of-way:
    - a. Parking areas with 25 or more spaces: 50 feet
    - b. Parking areas with fewer than 25 spaces: 30 feet.
  - 2. From buildings: 20 feet.
  - 3. From property lines:
    - a. From residential lot lines: 50 feet
    - b. From all other lot lines: 25 feet
- L. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the boarding house or rooming house. Specific areas for lighting are entrance ways, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and any parking areas.
- M. In addition to the standards for vehicular access applicable to boarding houses or rooming houses in this subsection **§406: Boarding House or Rooming House** shall meet the parking requirements found in **Article XV: Off-Street Parking and Loading**.

**§407. Building Facade**

- A. The building façade which fronts on a public street shall be considered a front building façade and shall be designed and constructed with an architectural treatment appropriate to the street.
- B. For buildings on corner lots, one of the facades of the building which front on a public street shall be designated a front building façade. When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.

**§408. Cellular/Digital Communications Antennae and Antenna Support Structures**

In recognition of the quasi-public nature of cellular/digital communications systems, the following regulations shall apply:

- A. Purpose.
  - 1. To accommodate the need for cellular/digital communications antennae while regulating their location and number in the Township.
  - 2. To minimize adverse visual effects of cellular/digital communications antennae and antennae support structures through proper design, siting, and vegetative screening.
  - 3. To avoid potential damage to adjacent properties from antenna support structures failure and falling ice, through engineering and proper siting of antenna support structures.



4. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
- B. Use Regulations.
  1. An antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structures, is permitted in all zoning districts.
  2. The height of the antenna shall not exceed the height of the existing structure by more than 15 feet. If the antenna is to be mounted to an existing structure, a full site plan shall not be required.
  3. A cell site with an antenna that is either not mounted on an existing structure, or is more than 15 feet higher than the structure on which it is mounted, is permitted as a conditional use [see requirements in **Article XXI: Conditional Uses and Special Exceptions**] as follows:
    - a. On property used for municipal purposes in any zoning district; and
    - b. In the I- Industrial, RR- Resource Recovery, and RR- 1-Resource Recovery & Recycling zoning districts.
  4. All other uses ancillary to the antenna, including a business office, maintenance depot, vehicle storage, etc., are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell site is located.
- C. Standards of Approval of Conditional Uses. In addition to the requirements of **Article XXI: Conditional Uses and Special Exceptions** governing conditional uses,
  1. The cellular/digital communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
  2. If the cellular/digital communications company proposes to build an antenna support structure or other structure (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-fourth-mile radius of the site proposed, asking for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other cellular/digital communications companies, other communications towers (fire, police, etc.) and other tall structures. The municipality may deny the application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- D. Standards of Approval of All Cellular/Digital Communications Antenna
  1. Antenna Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. The applicant must also demonstrate, using technological evidence, that the facility must be located as proposed to serve the company's system.
  2. Setbacks from Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure (or any guy wire anchors) and any property line, right-of-way, building, structure, parking space shall be the largest of the following:
    - a. Thirty percent of antenna height.
    - b. The minimum front yard setback in the underlying zoning district.
    - c. Forty feet.
  3. Antenna Support Structure Safety. The applicant shall demonstrate the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
    - a. Antenna support structures and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
    - b. The plan for the construction of any antenna support structure shall contain the seal and signature of a professional structural engineer.
  4. Fencing. A fence shall be required around the antenna support structure, guy wires, and other equipment, unless the antenna is mounted on an existing structure. The fence shall be 8 feet in height, exclusive of barbed wire protection. All guy wires shall be clearly marked so as to be visible at all times.
  5. Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed instead an existing structure, landscaping shall not be required.

- a. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity.
- b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
6. In order to reduce the number of antenna support structures in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular/digital communication companies, and local police, fire, and ambulance companies.
7. The cellular/digital communication company must demonstrate that it is licensed by the Federal Communications Commission.
8. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
9. Antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those near airports shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA.
10. The applicant shall be required to remove the antenna support structure if use of the same is discontinued and removal is requested by the Board of Commissioners.
  - a. Prior to the receipt of a zoning permit for the construction of the antenna support structure, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the structure.
  - b. Said financial security shall remain in place until the antenna support structure is removed.
11. A full site plan shall be required for all cell sites, showing the antenna(e), antenna support structure, building, fencing, buffering, access, and all other requirements of the West Pottsgrove Township Subdivision and Land Development Ordinance of 1994, as amended. The site plan shall not be required if the antenna is to be mounted on an existing structure.
12. The applicant shall demonstrate that the poor quality or nonexistence of digital/cellular communications in the area to be served by the cell site and structure for which the conditional use is sought results in a significant gap in service in such area that will be reduced or corrected by the cell site and structure proposed by the applicant. Further, the applicant shall demonstrate that it has made a diligent and good faith effort to identify and evaluate less intrusive alternatives to the cell site and structure for which approval is sought, including, with limitation: (i) consideration of less sensitive sites within and outside of the Township, (ii) alternate system designs, (iii) alternate tower designs, and (iv) placement of antennae on existing structures. In demonstrating that it has made a diligent and good faith effort to place its antennae on existing structures, the applicant must identify all existing structures on which the applicant's antennae may be located to provide coverage in the area sought to be served by the applicant's antenna and identify with specificity the reason or reasons the applicant is unable or unwilling to locate the applicant's antenna at or on any such existing structures. The fact that the owner or other party with rights in or to any such existing structure requires a license or rental fee for occupancy or such structure, and/or the execution of a license or other occupancy agreement upon reasonable terms and conditions as such owner or other party may require, shall not be deemed sufficient justification of the applicant's unwillingness to locate the applicant's antennae at such structure. The approval of an applicant's application for conditional use to locate a cell site and structure in the township may be conditioned upon, among other requirements, a requirement that the applicant make sufficient space available on its structure to allow other telecommunications providers to locate their antennae at or on the applicant's cell site and structure.
13. Notwithstanding any provision in this Section to the contrary, the Township shall evaluate each applicant's plans, proposal and other supporting documentation and information in accordance with the requirements of the Telecommunications Act, as the same may be amended, from time to time, and any successor laws imposing requirements or restrictions on local governments in evaluating applications for approval of wireless communications facilities.

**§409. Cemetery.**

- A. Minimum lot area: five acres.
- B. A crematorium, where allowed, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

- C. All structures and graves shall be set back a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and ten feet from the cartway of an internal driveway.
- D. No grave sites shall be located within the 100-year floodplain.
- E. The use shall include an appropriate system to ensure perpetual maintenance.
- F. No more than 15 percent of the area may be devoted to above-ground buildings not serving as burial markers or memorials. This applies to business and administrative offices, maintenance facilities, bath-houses, greenhouses, work houses, repair shops, and the like. This restriction also applies to paved parking areas.
- G. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads.
- H. All property boundaries shall be screened in accordance with the SALDO.
- I. Parking for principal structures, such as chapels or mausoleums, shall be provided in accordance **Article XV: Off-Street Parking and Loading.**

**§410. Club.** A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational, social, or recreational purposes, not incidental to other business, and not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise.

- A. Minimum lot area: 1 acre.
- B. All parking, interior driveways, except necessary entrance/exit drives, shall be set back a minimum of 50 feet from all residential lot lines, and 25 feet from all other lot lines.
- C. All buildings shall be set back a minimum of 25 feet from all lot lines.

**§411. Community Center or Library.**

- D. Minimum lot area: 1 acre.
- E. All parking, interior driveways, except necessary entrance/exit drives, shall be set back a minimum of 50 feet from all residential lot lines, and 25 feet from all other lot lines.
- F. All buildings shall be set back a minimum of 25 feet from all lot lines.

**§412. Condominium Ownership Plans.** No section of this ordinance shall be construed to prohibit condominium ownership as permitted by the “Pennsylvania Unit Property Act,” P.L. 117.

**§413. Day Care Services.**

No structure or premise shall be used for the provision of day care except in accordance with the provisions of this Section.

- A. Child day care types:
  - 1. Family Day Care Homes. Family day care homes are any family residence other than the child’s own home, in which child day care is provided at any one time to 4, 5 or 6 children, who are not relatives of the resident caregiver.
  - 2. Group Day Care Homes, where permitted by zoning, require that a copy of the certificate of compliance issued by the Department of Public Welfare be provided to the Zoning Enforcement Officer prior to the initiation of day care use. A Group Day Care Home is a facility in which care is provided by a resident caregiver for more than 6 but less than 12 children at any one time, where the child care areas are being used as a family residence.
  - 3. Day Care Center. A Day Care Center is a facility in which care is provided for seven or more children at any one time, where the child care areas are not being used as a family residence. A copy of the certificate of compliance issued by the Department of Public Welfare shall be provided prior to initiation of the use.
- B. Other child day care regulations: The practice of babysitting on an occasional basis shall not be restricted under this use.
  - 1. The provisions of this section apply to day care service for children, including out-of-home child day care for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives.
  - 2. Registration and licensing. Family day care homes and day care centers, as defined in this ordinance, must hold an approved and currently valid DPW license, and must maintain the necessary license throughout its operation. In addition, all child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building and fire safety codes.
  - 3. Play equipment setback. Play equipment in designated on-site play areas shall be located at least ten feet from property lines.

4. On-lot sewage disposal. The Township Engineer shall certify that adequate public water and public sewer facilities are available for the intensity of the proposed use.
5. Outside play.
  - a. Hours of outside play. Outside play shall be limited to the hours between 8:00am and sunset.
  - b. An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day care facility. Outdoor play areas shall be secured by a fence with a self-latching gate.
  - c. On-Site Outdoor Play Area. An on-site outdoor structured play area or areas of high outdoor activity shall be located in yard areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. The on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child care facility.
  - d. Off-Site Outdoor Play Area. In accordance with DPW standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within on-half mile of the facility, measured from the property line of the facility. When the use of an off-site play area is proposed, the applicant shall inform the municipality about the means of transportation that will be walked to an off-site play area, the route to the off-site play area shall not involve the crossing of arterial or major collector streets [as defined by the Montgomery County Comprehensive Plan, 2005]. Pedestrian access on sidewalks or improved walkways shall be required.
  - e. Outdoor play areas which adjoin residential lots shall be screened by a six-foot compact evergreen hedge.
6. Inspection. The operator of a family day care home will allow representatives of the municipality to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances.
7. Hazardous uses or activities. No portion of a child day care facility shall be located within 300 feet of a potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial uses, storage of flammable or high pressure underground pipelines, truck or rail loading areas, etc.
8. Waste disposal and loading areas shall be located to the rear of structures.
9. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the day care. Specific areas for lighting are entrance ways, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and any parking areas.
10. Vehicular access. Ingress and egress to the site shall be designed to assure safety, and safe areas for discharging and picking up children shall be provided which do not interfere with the free flow of traffic on adjacent streets.
  - a. A drop-off/pick-up area shall be provided with sufficient capacity for the proposed use.
  - b. All sites shall provide sufficient turnaround area so that vehicles can exit the site driving forward.
  - c. Where provided, parking shall have the following setbacks:
    - i. From ultimate right-of-way:
      - (a) Parking areas with 25 or more spaces: 50 feet
      - (b) Parking areas with fewer than 25 spaces: 30 feet.
    - ii. From buildings: 20 feet.
    - iii. From property lines:
      - (a) From residential lot lines: 50 feet
      - (b) From all other lot lines: 25 feet
- C. In addition to the standards for vehicular access applicable to child day care facilities in **§413: Day Care Services**, day care facilities shall meet the parking requirements found in **Article XV: Off-Street Parking and Loading**.

**§414. Dry Cleaners/Laundromats.**

- A. All operations shall be conducted within a completely enclosed building.
- B. Adequate provisions shall be made to contain all poisonous or obnoxious odors or fumes. Ventilating systems shall comply with all applicable commonwealth and federal regulations.
- C. An unobstructed area 30 feet in depth from the building wall shall be maintained around all sides of the building to provide access by emergency vehicles and fire-fighting equipment.
- D. Such establishment shall not be located within 300 feet of any existing dwelling.
- E. The storage or use of any hazardous or potentially hazardous materials shall be limited to those materials required to be used by or those materials produced in connection with the dry-cleaning process. The transportation, handling, use and disposal of such materials shall conform to all applicable Federal Environmental Protection

Agency (EPA) and Pennsylvania Department of Environmental Protection (DEP) regulations and permit requirements.

**§415. Effect of Private Covenants.**

Nothing herein contained shall be construed to render inoperative any enforceable restriction established by covenants running with the land, and which restrictions are not prohibited by or are not contrary to the regulations herein established.

**§416. Emergency Access.** Emergency access to a building or use must not be inhibited by road configuration.

**§417. Environmental Assessment Statement.**

Where an Environmental Assessment Statement is required by this Ordinance, it shall be submitted to the Board of Commissioners in compliance with regulations and shall contain the information that follows:

- A. A description of all proposed facilities;
- B. A physical description of the environment affected including, but not limited to, summary technical data and maps and diagrams adequate to permit an assessment of potential environment impact by commenting agencies and the public. Highly technical and specialized analyses and data should be attached as appendices or footnoted with adequate bibliographic references;
- C. The inter-relationship and cumulative environmental (including economic) impact of the proposed facilities and other solid waste disposal facilities shall be stated with adequate technical analysis;
- D. The sources of data used to identify, quantify or evaluate any and all of environmental consequences must be expressly noted;
- E. Specific data relating to the impact of the proposed facilities on natural and man-made local storm drainage facilities and areas;
- F. Specific data relating to the impact of the proposed facilities on sanitary sewage disposal;
- G. Specific data relating to the impact of proposed facilities on the existing floodplain areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control in the Township;
- H. A statement of any probable adverse environmental effects which cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to public health, safety or welfare or other consequences adverse to the environment. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;
- I. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and an explanation of the extent to which the proposed action forecloses future options. In this context, the words short-term and long-term should be viewed in terms of the environmentally significant consequences of the proposed action;
- J. The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community;
- K. An analysis of the success and/or failure of similar projects, if the proposed project is a non-conventional nature. Determination of the conventional or conventional character of the proposed project will be made by the Township Commissioners as advised by the Township Engineer;
- L. A statement of any effects on desirable employment, taxes and property values;
- M. A statement of any effects on desirable community growth;
- N. A statement describing the location and impact of the project on nearby recreation areas;
- O. In developing the above data, applicant shall convey the required information succinctly in a form easily understood both by members of the public and by public decision-makers, giving attention to the substance of the information conveyed rather than the particular form, or length, or detail of the statement. Statements should indicate, at appropriate points in the text, any underlying studies, reports, and other information obtained and considered by the applicant in preparing the statement. Care should be taken to insure that the statement remains an essentially self-contained instrument capable of being understood without the need for cross reference;
- P. Each environmental statement should utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on the environment. Application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences; and
- Q. Such other reasonable information as reasonably required by the Board of Commissioners, Township Planning Commission, Township Engineer, and/or Township Solicitor.

**§418. Environmental Protection.**

- A. All uses shall be developed and operated in a manner that preserves the quality of the existing environment and of any natural amenities present on the site.
- B. All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.
- C. No land or structure in any zoning district shall be used or occupied in any manner that creates any:
  - 1. Dangerous, injurious, noxious, or otherwise objectionable condition;
  - 2. Fire, explosive, or other hazards;
  - 3. Heat, electromagnetic, or other radiation;
  - 4. Noise or vibration; and
  - 5. Smoke, dust, odor, or other form of air pollution or any other condition in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

**§419. Existing Interior Lots.** An existing lot for which access to a public street is by a relatively narrow strip of land may be built upon only when authorized by a special exception. In computing the area of such lots, the area of the strip of ground connecting the lot with the public road shall not be considered. All buildings and other structures to be located on such lots shall be not closer than 75 feet from surrounding lot lines, and the strip of ground connecting the lot with the public road shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public road for use as an access driveway and shall assure that any such access driveway does not generate dust. The Zoning Hearing Board may impose such other conditions as may be required.

**§420. Fences and Walls**

- A. Fences and walls are permitted by right in all districts.
- B. Fences:
  - 1. Shall not exceed 4 feet in height, except for uses in the I, CB, RR, RR-1, and PRC Districts.
  - 2. Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of opening to structural areas (such as a picket fence or split rail fence).
  - 3. Shall be set back at least two feet from the sidewalk located along the street front.
  - 4. May be wooden (such as picket or split-rail), wrought-iron, or material simulating those materials. Chicken wire shall not be used.
  - 5. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels or any type of material that may be in a state of repair.
  - 6. As an alternative to a fence or retaining wall in the front yard, a hedge not exceeding three feet in height at maturity may be used.
  - 7. Privacy fences (fences with no openings) shall not be permitted in a front yard. Privacy fences shall not exceed six feet in height.
  - 8. A fence shall not be required to comply with minimum setbacks for accessory structures.
  - 9. May be constructed up to but not on the lot line, except: a) a fence shall not be placed within a street right-of-way; and b) a fence of a business shall be set back a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term.
- C. Walls higher than three feet shall not be permitted in the front yard (with the exception of retaining walls). Walls in the side or rear yards of residential district properties shall have a maximum height of six feet.
- D. No fence or wall over six feet in height, except a retaining wall, or a wall of a building permitted under the terms of this Ordinance, shall be erected, unless that portion of the fence or wall which exceeds four feet in height has a ratio of open area to solid area of at least four to one (4:1). The Zoning Hearing Board may authorize by special exception the erection of walls or fences of greater height in such cases as may be necessary to provide adequate protection, shielding, or screening for open storage or equipment areas, a specific hazard, or unsightly areas.
- E. If a fence or wall has only one finished/decorative side, that side shall face the abutting property/properties. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- F. No fence, wall, or hedge shall obstruct the flow of stormwater, except as part of a Township approved stormwater system.

**§421. Funeral Homes.** The following regulations apply:

- A. The site shall have frontage on and direct access to an arterial or collector road (as defined by the Montgomery County Comprehensive Plan, 2005).
- B. Ingress, egress and internal traffic circulation shall be designed to minimize hazards and congestion.
- C. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see §463: Traffic Impact Study].
- D. All lighting shall be shielded and reflected away from streets and adjoining properties.

**§422. Garage, Private Residential.** Each single-family residential lot shall include two (2) off-street parking spaces, exclusive of a garage. Garages shall be constructed on a permanent foundation or other permitted permanent fixture.

**§423. Garage Sales and Yard Sales.**

- A. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.
- B. A garage or yard sale shall not include sale of new merchandise (other than custom crafts).
- C. Garage or yard sales shall be limited to a maximum of four total days in any calendar year.
- D. No garage sale shall be permitted to continue for more than two (2) consecutive calendar days.
- E. Signage associated with garage or yard sales shall comply with **Article XVI: Signs**.
- F. Garage or yard sales shall not include public sales held under the direction of a licensed auctioneer.
- G. Garage or yard sales conducted within the township shall not begin earlier than 9:00 a.m. and shall terminate not later than 8:00pm.

**§424. Group Homes.**

All group homes shall meet the following criteria:

- A. The facility shall be approved by the appropriate state and county agencies and shall be maintained and operated in accordance with the applicable state and county regulations.
- B. Any medical or counseling services provided shall be done only for the residents of the facility.
- C. No lot occupied by such a residential facility shall be located within 1,000 feet of a lot occupied by another such facility.
- D. One off-street parking space shall be provided for each staff member, and one off-street parking space shall be provided for each four residents.
- E. Group homes are permitted only in the R-1 District, by special exception.
- F. The number of residents shall be limited to five occupants, including on-site staff.
- G. The facility shall provide 24-hour supervisory staff.
- H. The facility shall be, as practically as possible, in keeping with the building and architectural design of the properties in the neighborhood, considering the size of the building and the character of the building materials. No sign shall be permitted advertising, describing, or designating the group home.
- I. The following additional information shall be provided prior to occupancy:
  - 1. The name of the operator of the facility.
  - 2. The type of the program.
  - 3. The maximum number of residents proposed.
  - 4. The date of issuance or anticipated issuance of state and county certificates, licenses and/or approvals.
  - 5. The Township Engineer shall certify that adequate water and public sewer facilities are available for the intensity of the proposed use.

**§425. Height Exception and Yard Restriction.**

- A. In all districts, chimneys, spires, towers, skylights, tanks, radio or television aerials or similar uses or structures shall not be included in calculating the height where such structures are customary, vertical projects of a permitted building.
- B. In residence districts, the prescribed 35-foot basic height limit may be exceeded by one foot for each foot by which the width of each side yard and the depth of each rear yard are increased beyond minimum requirements up to a maximum of 45 feet.
- C. In all districts, all yards having street frontage shall conform to the front yard requirements of the district.

**§426. Home Occupation**

- A. Home occupations are the accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts on a residential site. The use is incidental

and secondary to the use of the dwelling for residential purposes, and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

- B. All proposed home occupation uses, including the expansion or replacement of an existing use or structure, shall conform with the performance standards below, as well as all other applicable Township, State, and Federal regulations.
1. The occupation shall be conducted primarily by a resident of the dwelling.
  2. The home occupation and its associated structures shall conform with all applicable dimensional standards for the zoning district.
  3. Home occupations shall be conducted entirely within the residence and associated structures. The area used for the home occupation shall not exceed 500 square feet, nor exceed 25 percent of the gross floor area of the residence.
  4. The home occupation shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area. Home occupations shall not be conducted in such a manner as to produce noise, dust, vibration, glare, smoke or smell, electrical interference, fire hazard, traffic, or any other nuisance not typically experienced in the zoning district where the property is located. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
  5. No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way significantly increase the fire danger to neighboring structures or residences.
  6. Signs shall conform to the provisions of **Article XVI: Signs** of this Ordinance.
  7. No outside storage of material, goods, supplies, or equipment related to the operation of the home occupation shall be allowed. All storage shall take place within a walled structure.
  8. Merchandise shall be limited only to products manufactured or substantially altered on the premises or to incidental supplies necessary for the conduct of the home occupation. Items shall not be purchased off-site for resale.
  9. The home occupation shall have no more than one non-resident employee.
  10. Any need for parking generated by the home occupation shall be met off-street and be located to the side or rear of the structure in accordance with **Article XV: Off-Street Parking and Loading** of this Ordinance. The applicant shall screen the off-street parking in accordance with the SALDO to buffer the view of the parking from neighboring properties.
  11. No more than one home occupation per residence shall be allowed.
  12. The home occupation shall operate no earlier than 8:00am and no later than 9:00pm.
  13. A permit shall be required to operate a home occupation business.
  14. Home occupations shall be prohibited from being located within 500 feet of one another.
  15. Trash removal should not be permitted in excess of that normally occurring in residential areas.
  16. No sales (other than incidental) are permitted on-premises.
  17. A home occupation shall not be permitted to be conducted in any accessory structure.
  18. The use shall not create any additional environmental impact than those impacts normally resulting from a residential use.
- C. The following are examples of permitted home occupations:
1. Artist's studios
  2. Catering, not involving storage of commercial vehicles outside an enclosed garage on the residential lot.
  3. Contractors, not involving the storage of commercial vehicles or equipment outside an enclosed garage on the residential lot.
  4. Computer programmers, data processors, and writers.
  5. Dress makers and tailors.
  6. Home crafts studios, which may involve instruction to no more than five students in any given twenty-four hour period.
  7. Housekeeping and custodial services.
  8. Interior designers.
  9. Jewelry and/or watch repair, but not including retail or wholesale selling of such items.
  10. Locksmiths.
  11. Mail-order businesses.
  12. Manufacturers' sales representatives, not involving storage of any retail goods.
  13. Photography studios.



14. Professional offices, as defined by this chapter
  15. Consultants, offices for leaders of a religious organization, counselors and bookkeeping, or drafting or graphics services.
  16. Repair of small household appliances (excluding major household appliances, such as refrigerators, stoves and the like).
  17. Telemarketing.
  18. Travel agents.
  19. Tutoring or instruction to no more than five students at one time.
  20. Word processing, typing and secretarial services.
- D. The following uses shall not be considered to be home occupations and shall be limited to the districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:
1. Animal hospitals and veterinary offices
  2. Blacksmiths and metal working
  3. Motor vehicle repair garages
  4. Beauty shops and barber shops containing more than one operator's chair.
  5. Clinics, hospitals, nursing homes, group-care facilities and personal-care boarding homes.
  6. Kennels and stables.
  7. Mortuaries and funeral homes.
  8. Private clubs.
  9. Private instruction to more than five students at a time.
  10. Restaurants or tea rooms.
  11. Retail or wholesale sales and flea markets.
  12. Tanning or massage salons.
  13. Tourist or boarding homes.
  14. Vehicle or equipment rental or sales.
  15. Woodworking
  16. Any activity requiring a fire prevention permit under the BOCA Fire Code for the use of hazardous or flammable materials.

**§427. Hotel or Motel.**

- A. Recreational facilities limited to overnight guests and a standard restaurant may be permitted accessory uses to a hotel or motel.
- B. A hotel, motel or inn may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.
- C. For Boarding House, see **§406: Boarding House or Rooming House.**
- D. The maximum permitted density is 32 overnight room guests per acre of land developed for this use.

**§428. Junk Yards (including auto salvage yards).**

- A. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- B. Outdoor storage of junk shall be at least (1) 100 feet from any residential lot line, and (2) 50 feet from any other lot line and the existing right-of-way of any public street.
- C. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- D. Outdoor storage shall be completely screened from (except at approved driveway entrances) from exterior lot lines or streets by a 40-foot wide buffer yard (unless such storage is not visible from an exterior lot line or street). The yard shall include a continuous, vegetative buffer with evergreens at least six feet in height at time of planting. Secure fencing with a minimum height of eight feet shall be provided around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening. Both the vegetation and the fence shall be well maintained.
- E. Burning or incineration of vehicles or junk is prohibited.
- F. All gasoline and oil shall be drained from all vehicles and properly stored in a suitable area on an impervious, properly drained surface to ensure spill containment.
- G. Minimum lot area: 5 acres; maximum lot area: 20 acres
- H. Bulk storage of 50 tires or more is not permitted.

**§429. Kennels (and Animal Hospitals).**

- A. All buildings in which animals are housed and all runs shall be located at least 200 feet from all “residential lot lines,” and shall be screened from residences on adjoining property by a six-foot (6’) hedge or opaque fence.
- B. All buildings in which animals are housed shall be completely enclosed and adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
- C. No animal shall be permitted to use outdoor runs from 8pm to 8am that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be maintained in safe condition and shall be secured by a fence with a self-latching gate.
- D. Subject to state law regulating kennels and licensing thereof; see Act 2008-119.
- E. A kennel may be used for breeding.
- F. Minimum lot area – ten acres for a kennel, and 1.5 acres for an animal hospital.
- G. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see §463: Traffic Impact Study].

**§430. Landscaping.** All trees shall be periodically pruned, sprayed or receive such care as to preserve them during their natural lifetime. Any trees or portion thereof which die or suffer damage due to lightning shall be removed immediately where potential harm to others or property exists, or otherwise shall be removed within 6 months. Trees shall be pruned so a clearance of eight feet over a sidewalk, 12 feet over a local or collector road, and 14 feet over an arterial road is maintained (road classifications as defined by the Montgomery County Comprehensive Plan, 2005). Every lot shall maintain a minimum of one tree for every 3,000 feet of lot area. When existing trees die, others must be planted to replace them. All proposals subject to the requirements of this Ordinance shall be landscaped and buffered from adjacent properties in compliance with the requirements of the West Pottsgrove Subdivision and Land Development Ordinance.

**§431. Lighting.**

No lighting of private property shall be permitted that shall cause a hazard or a nuisance to adjacent roads and properties.

- A. When lighting is observed to be a potential hazard or nuisance regarding public roads, the Township Zoning Officer shall make a determination as to the need to relocate, diminish, reorient, or remove the light fixtures in question, with the advice of the Township Engineer. The determination shall be made mainly in terms of the effect of the lighting on traffic safety, such as from glare [see §431.E (Lighting: Glare)] or brightness interfering with a driver's ability to see safely.
- B. The Zoning Officer shall report to the Commissioners who shall then direct the person(s) responsible for the lighting to correct the problem.
- C. If the problem is not corrected within 30 days of written notification from the Board of Commissioners, the Commissioners may correct the problem at the expense of the person(s) responsible for the lighting.
- D. When lighting is observed to be a potential hazard or nuisance to an abutting property, the Zoning Officer shall make a determination as in §431.A (Lighting), above, when requested by the effected property owner. The following shall be used as criteria:
  - 1. No light shall shine directly into the windows of a building on abutting property.
  - 2. No light shall shine directly into the eyes of passing motorists or pedestrians on a public way.
  - 3. No light shall shine directly onto the ground or improvements thereof of an abutting property. Incidental light is permitted to fall onto abutting property.
- E. Glare.
  - 1. Street Lighting Exempted. This Section shall not apply to street lighting that is owned, financed or maintained by the Township or the State.
  - 2. All lights and signs shall be designed and operated to reasonably minimize the amount of light and glare they generate onto residential lots and streets. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings and to prevent the lighting from shining into the eyes of passing motorists.
  - 3. Height of Lights. No luminaries spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 25 feet above the average surrounded ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
  - 4. Blinking, flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights, which may blink between October 25<sup>th</sup> and January 10<sup>th</sup>.

**§432. Lot Area, Lot Width, and Yard Regulations.**

- A. Lot Area and Yard Requirements. The lot or yard requirements for any building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this ordinance.
- B. Minimum Lot Area and Lot Area per Dwelling Unit. Where a minimum lot area is specified no principal building or use shall be erected or established on any lot of lesser area.
- C. Lot Width. The lot width of two-family detached dwelling and end units of a single-family attached dwelling shall be measured from the side lot lines to the centerline of the wall in common with an adjoining dwelling.
- D. Spacing of Nonresidential Buildings on Same Lot. Unless otherwise specifically provided for in the zoning district, where two or more buildings for single principal use are proposed to be built upon property in one ownership, they shall be separated by one and one-half times the single side yard distance required in that zoning district.
- E. Front and Side Yard of Corner Lots. Except as may be specified elsewhere in this Ordinance, a front yard setback shall be measured from the ultimate right-of-way for each lot line abutting a street. The lot lines intersecting ultimate rights-of-way shall be treated as side lot lines. All other lot lines shall be considered rear lot lines.
- F. Construction of a Principal Structure on Two Adjacent Lots in the Same Ownership. The owner(s) of two adjacent lots, both held in the same single and separate ownership, may construct a structure on the property line joining the lots or in one of the side yards between the lots, provided:
  - 1. A new deed is prepared and recorded consolidating the two properties into one unified legal description; and
  - 2. The proposed structure meets the applicable requirements of the zoning district in which it is located.

**§433. Minimum Habitable Floor Area.** No dwelling, dwelling unit or other structure designed for residential occupancy shall be constructed or occupied for residential purposes unless the same shall contain a habitable floor area of not less than 400 square feet per person provided; however, that a maximum of 50 square feet of storage area, contained either in a basement or attic of such structure shall be construed as “uninhabitable floor area” for the purpose of this section.

**§434. Minimum Setback for Accessory Uses.** An accessory building shall be located no closer than 5 feet to any side or rear property line. An accessory building may be erected within one side yard if entirely separated from the principal building, provided it is located at least 10 feet further back from street line than the rear most portion of the principal building.

**§435. Mobile/Manufactured Home on an individual lot or within a mobile/manufactured home park**

- A. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in West Pottsgrove Township, but such home may remain at an existing location if habitable.
- B. Each site shall be graded to provide a stable and well-drained area.
- C. Each home shall have the hitch mechanism and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.
- D. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the home complies with this Zoning Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.
  - 1. The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). The piers or footings shall be a minimum of four inches greater in width than the concrete blocks used to support the home. This foundation shall be placed on approximately eight feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three feet overhang at each end of the section.
  - 2. One-half inch diameter by 12 inch long eyebolts, or approved equivalent unshaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
  - 3. Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least four corners and two midpoints. The tie-down shall also be in accordance with the manufacturers’ recommendations furnished with each home.
  - 4. Mobile homes shall not be placed more than four feet above the supporting ground area.

- E. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:
  - 1. Industry-approved skirting material compatible with the home; or,
  - 2. If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first floor elevation. If this alternative is used an access area with lower grade through the masonry wall shall be installed for service access.
- F. Homes shall have a pitched instead of a flat roof.
- G. Homes on individual lots should be located with the longest side facing any boundary public street.
- H. Permit. Each mobile home shall require a Township permit prior to placement on a site.

**§436. Modification of Front Yard Requirement**

Where an unimproved lot of record is situated on the same street frontage with two improved lots or one improved and one unimproved lot, the front yard requirement may be modified so that the front yard shall be an average of either the existing adjacent front yards or the existing adjacent front yard and the required front yard for the given zoning district. When neither of the adjacent lots are improved, the front yard shall be that of the given zoning district.

**§ 437. Multifamily Uses: Garden Apartments.** The plan for garden apartments shall include evidence and facts showing that it has considered and made provisions for the development to be executed in accordance with the following essential conditions:

- A. Garden apartment developments shall include at least three units, and shall not abut a single-family dwelling unit.
- B. The units must not be individually lotted, but must share a lot or parcel on which the building(s) is/are located, except under condominium law.
- C. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a unified architectural unit with appropriate landscaping.
  - 1. If the development of the garden apartments is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this ordinance shall be fully complied with at the completion of any stage. The initial stage of development shall comprise a total floor area of not less than 10,000 square feet.
  - 2. The developer shall assure the provision of required improvements by means of a proper completion guarantee in the form of a deposit of funds or securities in escrow to cover the cost of the improvements. The work shall be performed in accordance with all requirements and the approved plans.
- D. Minimum lot area per garden apartment building is 10,000 s.f. The minimum lot area per dwelling unit and minimum floor area per dwelling unit shall be calculated according to the following ratios:

Unit Size	Lot Area/DU	Minimum Floor Area/DU
Efficiency	1,000 s.f.	400 s.f.
1 BR	1,500 s.f.	500 s.f.
2 BR	2,000 s.f.	650 s.f.
3 BR	2,500 s.f.	800 s.f.
4 BR	3,000 s.f.	950 s.f.

- E. Maximum Building Coverage: 30 percent.
- F. Setback from Streets. There shall be setback from the ultimate right-of-way of each street on which the garden apartment district abuts which shall be not less than 50 feet in depth, provided that the buildings in excess of 35 feet in height shall provide an additional one foot of setback for each additional one foot of height.
- G. Setback from Property Lines. There shall be a setback from any property line that the garden apartment district abuts of not less than 50 feet.
- H. Distance Between Buildings. The horizontal distance measured in feet between parallel elements of buildings forming courts and court yards shall not be less than twice the height of the taller building, measured in feet.
- I. Parking. Not less than two off-street automobile parking spaces shall be required for each dwelling unit. Such parking area shall be placed so as not to interfere with any creation or service area, and shall not be less than 25 feet from property lines or street ultimate right-of-way lines. All parking must be designed so that cars may enter and exit without the need to move other parked vehicles.
- J. Height of Building. No building shall exceed the height of 40 feet or three stories, exclusive of basements, whichever is greater.
- K. Paving. All areas provided for use by vehicles and all pedestrian walks shall be constructed in accordance with all pertinent specifications within the Subdivision and Land Development Ordinance.

- L. Service. Area of loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- M. Access. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the apartment (s) without undue congestion to or interference with normal traffic flow. The Planning Commission shall satisfy itself as to the adequacy of the thoroughfare to carry the additional traffic engendered by the apartment as well as to the street frontage of the proposed development.
- N. Utilities. All buildings within the garden apartment shall be served by a public sanitary sewage disposal system and public water supply and all other available public utilities. All utility lines servicing the garden apartment shall be placed underground.
- O. Signs. Signs shall be permitted subject to the provisions of **Article XVI: Signs** of this ordinance
- P. Lighting Facilities. Lighting facilities provided shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind. Lighting facilities shall be required where deemed necessary for the safety and convenience of garden apartment residents.
- Q. A Landscaped Planting Area shall be provided along the street frontage occupied by a garden apartment development.
- R. Buffer. The garden apartment development shall have a permanent landscaped planting area of at least 15 feet in depth designed for screening from view any residential, commercial and industrial uses which are adjoining and contiguous to the garden apartment development.
- S. Recreation. The developer shall be encouraged to give consideration to the provision of community area, laundry facilities, playgrounds, tot lots, pedestrian connections or trails, and other services necessary for the comfort and convenience of the garden apartment.
- T. Open Space. The developer shall provide at least 15 percent of his total tract acreage for open space and recreation use. The area so set aside shall be located in one area of the tract which shall be maintained by the developer or owner of the garden apartment complex. The Planning Commission and Board of Commissioners of West Pottsgrove Township must approve any modification regarding the location of the open spaced land which would break the open space into two or more areas.
- U. Business. Use of an apartment and of accessory uses that relate to business activity are not permitted.
- V. Storage. Adequate provision must be made for accessory storage areas.
- W. Procedural Requirements. All procedural requirements of the Subdivision and Land Development Ordinance shall be adhered to and the following information shall be shown on plans submitted for approval in addition to those requirements of the Subdivision and Land Development Ordinance:
  - 1. Floor area (in square feet) of all apartment dwelling units.
  - 2. Number of bedrooms per apartment dwelling unit.
  - 3. Total number of apartment dwelling units.
  - 4. Total number of acres in proposed plan.
  - 5. Total number of all off-street parking spaces.
  - 6. Exterior vertical and horizontal building dimensions.
  - 7. Ground area of buildings.

**§438. Noise Control.** The following general performance standards relating to noise control shall apply to all uses and activities in any residential, commercial, industrial, resource recovery, and resource recovery and recycling districts.

- A. Noise Control.
  - 1. The following are maximum permissible sound levels by receiving land use.
  - 2. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15-second interval) in such a manner as to create a sound level which exceed the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

CONTINUOUS SOUND LEVELS BY RECEIVING LAND USE		
Receiving Land Use Category	Time	Sound Level Limit
Residential, public space, open open space, agricultural, or institutional*	1) 6 a.m. – 6 p.m.	68 dBA
	2) 6 p.m. – 6 a.m. plus Sundays and legal holidays	60 dBA
Receiving		Sound

Land Use Category	Time	Level Limit
Commercial or business*	1) 6 a.m. – 6 p.m.	70 dBA
	2) 6 p.m. – 6 a.m. plus Sundays and legal holidays	60 dBA
All industrial and resource* recovery and recycling uses	At all times	70 dBA

\* Measured 10 ft. inside the lot line

3. Correction for Character Sound. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound (a sound for short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15-second interval) the excursions of sound pressure level shall not exceed 10 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the “fast” meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.
4. Exceptions. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources.
  - a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
  - b. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
  - c. Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m.
  - d. Explosives.
  - e. Agriculture.
  - f. Public celebrations, specifically authorized by the Township Board, or a County, State or Federal Government agency or body.
  - g. Surface carriers engaged in commerce by railroad.
  - h. The unamplified human voice.
  - i. Construction vehicles, machinery and equipment utilized for the construction of improvements or structures in all districts of the Township, provided that such construction operations shall conform to the receiving land use category noise limits for all hours between 5:00 p.m. and 7:00 a.m.

No principal or accessory use, or its operations, shall generate a sound level exceeding the limits established in the table below, when measured at the specific locations:

#### §439. Nursing Home.

- A. Licensing – Subject to state licensing regulations set forth in the Healthcare Facilities Act.
- B. Minimum lot area – three acres
- C. The density shall not exceed more than one resident or bed per 250 square feet of total building floor area.
- D. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from the lot line for a residential use or district.
- E. The location of automobile parking on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- F. Minimum front and rear yards shall be ten feet greater in depth, and minimum side yards shall be ten feet greater in width, than the minimum required for any other main structure in the district in which such use is located.

#### §440. Open Space Regulations

When open space is required to be permanently preserved for common benefit and use by the requirements of this Ordinance, the regulations of this section shall apply.

- A. Open Space Characteristics. Open space shall be characterized by one or more of the following:
  1. Areas usable for active and/or passive recreation.
  2. Environmentally sensitive and attractive areas such as:
    - a. Woodlands;
    - b. Lakes, ponds, streams;
    - c. Floodplain as defined in this Ordinance;
    - d. Slopes exceeding 15 percent as delineated by the Montgomery County Soil Survey, or by accurate contour mapping on the applicant's plan;
    - e. Farmland which is to be continued in agricultural use.

- B. Open Space Design Requirements. Permanently preserved open space shall:
  1. Be designed as a continuous system of usable areas, interspersed among groupings of residential dwelling units, wherever practicable.
  2. Be interconnected with common open space areas on abutting parcels wherever possible.
  3. Be provided with safe and convenient access by adjoining public road frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance vehicle traffic, and containing appropriate access improvements.
  4. Be provided with sufficient perimeter parking when necessary.
  5. Be comprised of areas not less than 50 feet in width and not less than 11,000 square feet of contiguous area, except that individual tot-lots shall be included in the total required open space area.
  6. Be designed so that not more than 25 percent of the open space is used as buffers between development and existing roads, and no more than 50 percent is floodplain, as defined herein.
  7. Not be divided by crossing of public or private roads except where necessary for proper traffic circulation.
- C. Offer of Dedication. All common open space and recreation facilities required by this Ordinance may be offered for dedication to the Township, although the Township need not accept any such offers.
- D. Required Recreation Facilities. The applicant shall install recreation facilities in the open space in conformance with the requirements of the West Pottsgrove Township Subdivision and Land Development Ordinance regarding recreational facilities.

**§441. Outdoor Storage Control.** The following general performance standards relating to outdoor storage control shall apply to all uses and activities in any residential, commercial, industrial, resource recovery, and resource recovery and recycling district [see also **§447: Prohibited Uses and Performance Standards**]:

- A. No flammable or explosive liquid, solids or gases shall be stored in bulk above ground except for tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
- B. All outdoor storage facilities for fuel, raw materials, and products stored outdoors, including those permitted in Paragraph "A" above, shall be enclosed by a fence of a type, construction and size as shall be satisfactory to the Township to protect and conceal the facilities from any adjacent properties. Fences shall not only encompass the question of safety, but also of screening and the screening shall preferably be evergreens. All National OSHA regulations shall be met.
- C. No materials or wastes shall be deposited upon a lot in such form or manner than may be transported off by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any streams or watercourse. Applicable PADEP regulations shall apply.
- D. All materials and wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. Applicable County Department of Health and National OSHA regulations shall apply.
- E. No truck trailer or vehicle of any type may be used for permanent storage of goods, supplies, or materials of any kind or type in any zoning district.

**§442. Outdoor Residential Swimming Pools** (this shall also apply to hot tubs and spas)

- A. Location. Private outdoor swimming pools provided in connection with and accessory to a residential dwelling shall be located only within the building envelope of the property.
- B. Fencing.
  1. All outdoor swimming pools more than 24 inches in depth shall be surrounded by a fence or barrier 48" in height.
  2. Openings in the barrier shall not allow passage of a 4-inch diameter sphere.
  3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  4. Access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device with its release mechanism being child proof.
  5. Where an above ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked, or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the above requirements.
  6. Must comply with the International Residential Code, Building Code, Property Maintenance Code, and the Pennsylvania Uniform Construction Code.

**§443. Pets, Keeping of.** The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family is permitted.

- A. These animals shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops, but shall exclude exotic or endangered animals, pigs, snakes, and livestock.
- B. This use shall not include a use meeting the definition of kennel.
- C. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or public safety hazard. The owner of the animals shall
- D. be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within secure, completely enclosed cage or fenced area of sufficient height, or on a leash under full control of the owner.
- E. For carrier pigeons, see the State Carrier Pigeon Law.
- F. The noncommercial keeping of horses is permitted on a lot of four acres or more. Any horse, barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 150 feet from any existing dwelling other than that of the owner of horses. Any commercial keeping of horses shall be considered a “stable” or a “farm-related business.”
- G. Proper soil erosion control measures shall be used as needed.
- H. All lights shall be shielded and directed away from adjacent properties.

**§444. Places of Worship.**

- A. Minimum lot area – Two acres, unless a larger lot area requirement applies in the applicable district. In addition to the minimum lot area required for the place of worship, the minimum lot area required for a rectory, parsonage, or other residential building related to the place of worship, shall be the same as that for single-family dwellings in the district in which it is to be located. The residential building shall comply with all other requirements of the district which are applicable to single-family dwellings.
- B. A primary or secondary school is permitted as an accessory use.
- C. A child or adult day care center is permitted by conditional use on the same lot as a place of worship provided that the requirements for such uses are also met. In granting a conditional use for day cares, the Board of Commissioners shall consider the impact of the proposed day care on the ability of the site to sustain it and the impact on the surrounding neighborhood. Demand on available parking, scheduling and coordination of events, the hours of operation, and special restrictions shall be evaluated.
- D. One dwelling unit for a religious leader(s) of the place of worship and his or her family/their families, may be accessory to a place of worship on the same lot.
- E. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
- F. The location of automobile parking on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
- G. Minimum front and rear yards shall be ten feet greater in depth, and minimum side yards shall be ten feet greater in width than the minimum required for any other main structure in the district in which such use is located.
- H. Certain Accessory Uses via Special Exception. For places of worship located in residential zoning districts, accessory uses which occur with a frequency greater than once a month, may only be permitted by special exception. Uses included in this requirement are: amusements, drug or alcohol or similar counseling services, dances, day care programs, meetings and events open to the public at large, plays, tailgate sales, outreach programs and the like. However, soup kitchens, homeless shelters and/or residential housing facilities are not permitted.
- I. In order to better utilize available parking within the Township, places of worship may rent or lease parking spaces to other uses and entities during days or times when church facilities or other functions are not in operation. Such agreement must be approved by the Township through the issuance of a use permit.
- J. Access Road. Site must have direct access to a public street classified as a “collector” or higher classification roadway (as defined in the County Comprehensive Plan, 2005). The existing road system must be able to accommodate the peak-traffic generated by the institution in a safe and efficient manner.
- K. A drop-off/pick-up area shall be provided on-site with sufficient capacity for the proposed use.
  - 1. All sites shall provide sufficient turnaround area so that vehicles can exit the site driving forward.
  - 2. Minimum dimensions for a drop-off/pick-up area shall be a lane 9 feet by 60 feet (3 car spaces), with appropriate tapers from and to the driveway it adjoins, subject to approval by the Township Engineer.
  - 3. The maximum size of pick-up/drop-off areas are limited to six (6) vehicle stacking capacity, and a cartway of twenty-four (24) feet.
- L. Circulation. A system of efficient ingress, egress, and internal vehicular circulation resulting in minimal interference with surrounding traffic flow must be planned.



- M. Solid Waste. A defined location for the collection of solid waste materials and a plan for periodic disposal of same shall be required. All solid waste shall be stored in covered containers, or in permanent structures designated principally for this use. All waste shall be placed within the building envelope.
- N. All loading, maintenance, storage, tank, and waste facilities are to be located internally on the site, such that they are not visible from the street.
- O. Conditions governing existing facility expansion:
  - 1. Expansion of an existing facility must be related to an increase of existing services or to allow for the addition of a use, ancillary or accessory to the established use. A second primary facility, operated by any other entity is not permitted without subdivision of property with essentially conforming lot dimensions.
  - 2. All expansion must maintain the existing character of the buildings on the site, and the character of surrounding residential neighborhoods. To accommodate this provision, developable land within the center of a site shall be used for expansion before land close to the perimeter of the site.
- P. Building facades may not be longer than one hundred sixty (160) feet without a minimum ten (10) foot deep building offset. No building may be longer than three hundred twenty (320) feet in length, regardless of the number of building offsets.
- Q. No accessory structures shall be permitted in yard areas, except as herein provided:
  - 1. Bus shelters are permitted in the front yard area.
  - 2. Drop-off areas are permitted in front yards [see **§444.K. (Places of Worship)**]
- R. Minimum parking area setbacks [for other Parking Requirements, see **Article XV: Off-Street Parking and Loading**]:
  - 1. From ultimate right-of-way:
    - a. Parking areas with 25 or more spaces: 50 feet
    - b. Parking areas with fewer than 25 spaces: 25 feet
  - 2. From buildings: 20 feet
  - 3. From property lines:
    - a. From residential lot lines: 50 feet
    - b. From all other lot lines: 25 feet

**§445. Portable Storage Units.**

- A. Portable storage units may not be placed on a property for longer than 30 consecutive days, and shall not be placed on a property for more than 60 days in any one 12-month period.
  - 1. Permit required; application; insurance; fee. Before placing a portable storage unit on his or her property, a person must submit an application and receive a permit from the Township. An insurance certificate providing liability insurance in the amount of \$100,000 provided by the company supplying the portable storage unit must accompany the application, with West Pottsgrove Township named as an additional insured party. However, this is not required to be submitted if the Township already has a certificate from the same company on file that was submitted within the past calendar year. Permit fees shall be established by resolution of the Board of Commissioners. Applications shall be obtained from the Code Enforcement Office.
- B. Number. Only one portable storage unit may be placed on (or in front of) any property at one time.
- C. Location.
  - 1. When placed on a property, portable storage units must be placed on a paved area at a point farthest from the road as feasible; however, at no time may a portable storage unit be placed within five feet of any property line.
  - 2. If there is no driveway or off-street parking for the property, portable storage units may be placed on the street directly in front of the property for a period not longer than seven days. When placed in the street, portable storage units must not obstruct sight triangles or sight distance, and must be marked with reflectors and/or flashing blinker lights to the satisfaction of the code enforcement officer so as not to present a hazard to motorists, bicyclists, or pedestrians.
- D. Hazardous materials. The use of the portable storage unit for storage of hazardous materials is prohibited. The Township Code Enforcement Officer may inspect the portable storage unit to ensure no such materials are being stored inside.
- E. Use during natural disaster. The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a Certificate of Occupancy for the principal structure(s) or twelve months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code

Enforcement Officer may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first. In cases of natural disasters, the portable storage units must be located off-street.

- F. Condition of portable storage unit. A portable storage unit with holes, breaks, tears, or large areas of rust, in the opinion of the Code Enforcement Officer, may not be placed on or in front of any property.
- G. Advertising. Advertising is prohibited on a portable storage unit, with the exception of the name and contact information of the unit's supplier.
- H. Violations. Any person who shall place a portable storage unit in violation of this article shall be subject to the provisions affecting violations, fines, remedies, and charges in **Article XX: Violations, Fines, Remedies, & Charges**.

**§446. Private Ownership and Maintenance of Common Elements.**

Common elements including, but not limited to, open space, recreation, sewer, and water, and stormwater management facilities, which will not be publicly owned, shall be subject to a form of ownership established in private agreements acceptable to the Board of Commissioners. Such private ownership including, but not limited to corporate, individual, condominium, landlord, or fee-simple home or land owners' association, shall be governed by the following:

- A. Access to, and use of these common elements may be restricted to the following, unless the Township accepts public dedication of all or any part of any open space:
  - 1. Property owners or tenants within the development, and their guests;
  - 2. Nearby property owners or tenants who wish to join a homeowner's association and are accepted into the association.
- B. Perpetual maintenance shall be guaranteed by trust indenture or similar instrument, or by deeding the open space to a land trust or conservancy or similar organization, as approved by the Board of Commissioners, which instrument or deed:
  - 1. Shall be recorded by the Montgomery County Recorder of Deeds simultaneously with the final plan.
  - 2. Shall restrict the open space from development, by deed restriction, granting the Township the right to enforce the restrictions.
  - 3. Shall include provisions for:
    - a. Bonds posted by the developer to cover expenses incurred before formation of a homeowners' association.
    - b. Adjustment of association fees to account for inflation and increased costs.
    - c. A reserve fund to cover capital improvement and/or unforeseen major maintenance requirements.
    - d. Funding of professional management and supplies.
  - 4. Shall authorize the Township to maintain the common elements and assess the private ownership 100 percent of such maintenance, or foreclose on said bonds or funds to cover said maintenance, if private ownership fails to function as required in the private agreement.
    - a. The Township may, at the discretion of the Commissioners, decide to relieve the private ownership organization of some or all of its maintenance responsibilities in the event of a functional failure that has or threatens to have undesirable impacts on surrounding property owners or the general public.
    - b. The necessity for continued Township maintenance shall be reviewed at public hearing within one year of the Township having assumed the responsibility, and if the private ownership is demonstrated to have resumed the capability of maintenance, the responsibility shall revert to the private ownership. If the private ownership cannot demonstrate capability, a public hearing shall be held on an annual basis until maintenance can be resumed by the private ownership or until dedication of the common elements is accepted by the Township.
    - c. Any administrative, capital, labor, or operating costs incurred by the Township in assuming the maintenance responsibilities of the private ownership organization shall be recoverable from the owners of property, individually or collectively, in the subject development.
  - 5. Shall authorize the Township to periodically request and review records and reports that document the financial and administrative ability of the private ownership organization to continue perpetual maintenance and carry out a capital improvement program.
- C. Review of Maintenance Budget. At the time a preliminary plan for subdivision or land development is submitted, the developer shall submit to the Township a budget for the maintenance of open space and common elements, and reimburse the Township for the cost of a professional to assess the budget for future adequacy.

**§447. Prohibited Uses and Performance Standards,**

- A. No building may be erected, altered or used, and no lot or premises may be used in a district for any use which is noxious or offensive by reason of odor, dust, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise in the immediate surrounding area. In an industrial district, no use which shall create a noxious, offensive or hazardous condition beyond the district boundary line shall be permitted.
  1. In determining whether a proposed use is or may become noxious, hazardous or offensive, the following standards shall apply. The proposed operation shall not:
    - a. Constitute a nuisance or damage to health or any property by reason or dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust in the immediately surrounding area, or in the case of an industrial district, beyond the district boundary line;
    - b. Result in noise or vibration clearly exceeding the requirements as set forth in **§438: Noise Control** for noise or vibration occurring at the property line; no use shall generate vibration that is perceptible to an average person through their senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. The requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.
    - c. Endanger surrounding areas by reason of fire or explosion, or storage of combustible, explosive or hazardous materials in a residential district.
    - d. Produce objectionable heat or glare beyond the property line;
    - e. Result in electrical disturbance in nearby residences; or adversely affect the operation of equipment other than on the property on which the disturbance is located;
    - f. Discharge any untreated sewage, or industrial waste, into any stream, or otherwise contribute to the pollution of surface or underground waters; or fail to have an approved sewage disposal system on-site.
    - g. Create an objectionable traffic condition on the highway or in an adjacent area, or generate a nuisance to surrounding property by reason of truck traffic;
    - h. Endanger the underground water level or supply to other properties; or
    - i. Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see **§463: Traffic Impact Study**].
- B. The applicant when requested shall demonstrate that: (1) the proposed use will comply with the standards contained in Paragraph "A" above, and (2) adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous or offensive as defined above. In order to determine that adequate safeguards are provided, the zoning administrative officer, or the Zoning Hearing Board in any case where a use is made subject to special exception may: (1) require that the applicant submit necessary information, impartial expert judgments and written assurances; (2) obtain the advice of official agencies or of private consultants; and (3) require that the use comply with such tests or provide such safeguards as may be deemed necessary.
- C. No lot or premises may be used for a trailer camp, and no lot or premises shall maintain an inhabited trailer for a period to exceed one month.
- D. Smoke Control.
  1. No smoke shall be emitted from any chimney or other source of visible gray greater than Number One on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
  2. Smoke of a shade not darker than Number Two on the Ringlemann Smoke Chart may be emitted for not more than 4 minutes in any 30 minutes.
  3. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.
- E. Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases.
  1. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.
  2. No emission of liquid or solid particles from any chimney or other point shall exceed 0.3 grains per cubic foot of the covering gas at any point.
  3. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.
- F. Control of Odors or Dust. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard

system shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter Five “Air Pollution Abatement Manual,” copyright 1951 by Manufacturing Chemists’ Association, Inc., Washington, D.C. No use shall generate odors or dust that are significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using “normal farming practices” within: a) Act 133 of 1982, as amended, the State “Right to Farm Act” or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

- G. Control of Glare or Heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.
- H. Control of Vibration. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.
- I. Control of Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.
- J. Outdoor Storage and Waste Disposal. Each use shall comply with the outdoor storage standards set forth in **§441: Outdoor Storage Control** of this Ordinance.
- K. Electric, Diesel, Gas or Other Power. Every use requiring power shall be so operated that the service lines, substation, etc. shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc. to be an integral part of the architectural features of the plant, or if visible from abutting residential properties, approval of the Authority Board shall be required.
- L. Industrial Waste or Sewage. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste except as shall be approved by the sanitary engineers or other qualified persons employed by the Township at the expense of the owner of the premises. Where the sanitary sewers of West Pottsgrove Township are involved, approval of the Board of Commissioners or their agent shall be required.
- M. Provisions and Use of Water. All water requirements shall be stated in the application. Water shall be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional geologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.
- N. Nuisances and Hazards to Public Safety. No land owner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:
  - 1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.
  - 2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
  - 3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.
  - 4. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards.
  - 5. Activity that causes pollution or has the potential to cause pollution to ground waters or surface waters.
  - 6. No landowner or person shall be permitted to apply, store, or move dirt or fill on any property without an approved application from the Township. No one shall deposit any type of fill, debris, stone, or trash on their own property or any other property owned by another individual.
  - 7. In order to eliminate a potential fire hazard, furniture such as couches, sofas, reclining chairs and other furniture designed and constructed for indoor use may not be placed, used or stored on open porches or patios in any zoning district.
- O. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire. The Township does not accept responsibility to identify or address all such hazards.
- P. Steep Slopes. If an area of a lot including slopes of 15 percent or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/land development plans.
  - 1. Steep Slope Plan. A steep slope site plan shall meet the following requirements:
    - a. Show detailed slope contours for all areas that potentially may be disturbed and constructed upon,

- b. Identify all areas of 15 percent to 25 percent and greater than 25 percent slope,
  - c. Be to scale (such as 1 inch = 50 feet).
  - d. Show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,
  - e. Be stamped by a professional surveyor, professional engineer, or registered landscape architect,
  - f. Show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance,\*
  - g. State the maximum slope of proposed driveways and streets, and
  - h. Show an area of 20 feet around the proposed principal building locations.
- \* *If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.*
- 2. 15 to 25 Percent Slopes. If a proposed principal building and driveway location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with 15 percent or greater slopes, but do not include more than 1,000 square with slopes greater than 25 percent, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Zoning Ordinance:
    - a. Minimum lot area of ten acres per dwelling unit or per principal non-residential use, and
    - b. Maximum impervious coverage of five percent.
  - 3. Greater than 25 Percent Slopes. If a proposed principal building location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with slopes greater than 25 percent, then the Zoning Officer shall not permit the construction of such principal buildings within the proposed location.
- Q. Erosion Control. See **§1315: Erosion Control, Drainage, Fillage, Excavation, and Grading.**
  - R. Grading; Man-Made Slopes. No grading shall occur in such a way that would circumvent the requirements of this Zoning Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Zoning Ordinance. This section shall not apply to man-made slopes that naturally were not 15 percent or greater slope.
  - S. Driveways. A new driveway shall not be built that would require cutting against contours through an area of 30 percent or greater natural slope for 75 feet or longer, measured in a straight line.

#### §448. Projections into Required Yards

No building and no part of a building shall be erected within or shall project into any yard in any district, except that:

- A. A porch, not more than 14 feet in height, may be erected to extend into a required front yard a distance of not more than 10 feet, provided that in no case shall it extend into such front yard more than one-half the required depth of the yard.
- B. A terrace, platform, or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required rear yard a distance of not more than 12 feet provided that it shall not extend into such yard more than one-third ( $1/3^{\text{rd}}$ ) of the depth.
- C. A car port may be erected over a driveway in a required side yard, provided that such structure is:
  - 1. Not more than 14 feet in height and 20 feet in length;
  - 2. Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features; and
  - 3. At least 5 feet from the side lot line.
- D. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than 18 inches into a required yard.
- E. Open, unenclosed fire escapes, steps, bay windows and balconies may project no more than 5 feet into a required yard.
- F. Parking may project into yards other than front or side yards (parking may project into front or side yards when located on a paved driveway adjacent to a private car port or garage).

**§449. Public Utilities.** The provisions of this Ordinance shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures, or facilities in existence at the time of passage of this Ordinance, or which may hereafter be located with public easements or rights-of-way designated for such purposes. The location of any such construction not within a public easement or right-of-way, however, unless specifically provided for in this Ordinance, shall be subject to approval of the Zoning Hearing Board, which shall give consideration to

the effect of such constructions or installation upon the public safety and the character of the adjacent neighborhood. Public utility buildings are subject to the following:

- A. Uses involving distribution equipment which are not enclosed by a building shall be secured by a fence at least six feet in height with a self-latching gate. The fence shall be supplemented with material which is at least eighty-percent opaque, and shall be buffered by a six-foot compact evergreen hedge along all property lines adjacent to residential uses or zoning districts.
- B. Uses involving towers or other distribution structures which exceed the height limitations of the district shall be designed so that in the event of collapse, the structure shall not fall on any adjacent property.
- C. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see **§463: Traffic Impact Study**].

**§450. Reduction of Lot.** No lot shall be so reduced that the area of the lot or the dimension of the open spaces shall be smaller than herein prescribed.

**§451. Refuse Collection Facilities.** In all zoning districts, on land developed for non-residential uses or for apartments exceeding four units, Refuse Collection Facilities must be provided by the applicant, either inside the building(s) or within an area enclosed by walls or opaque fencing.

- A. These facilities shall be architecturally compatible with the building(s).
- B. Walls or fencing shall be designed to shield the refuse facilities from direct view from adjacent properties, to a height of at least six feet.
- C. These facilities shall be designed in a manner which can accommodate large collection trucks.
- D. Landscaping is encouraged around these facilities.
- E. Refuse facilities attached to, detached from, or within buildings shall be subject to same building setback requirements.

**§452. Removal of Topsoil.** The continuation of adequate topsoil on the land within the Township is considered necessary for the general welfare of the Township in the future development thereof. Thus, the permanent removal of topsoil from the land with the Township shall be prohibited. This prohibition shall not be construed to prohibit the owner of the land in removing topsoil for the purpose of construction of a building and the regrading of the land surrounding the building following construction.

**§453. Research and Testing Laboratories.**

- A. All lights shall be shielded away from adjacent properties.
- B. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- C. The facility shall not involve the manufacturing of any products being tested or engineered.
- D. No research or testing activities shall be conducted outside a completely enclosed building.

**§454. Restaurants or Taverns.**

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street (as defined by the Montgomery County Comprehensive Plan, 2005).
- B. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see **§463: Traffic Impact Study**].
- C. Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.
- D. Operations shall be discontinued between 2:00 a.m. and 6:00 a.m.
- E. All operations shall be conducted within an enclosed building and doors and windows shall remain closed during hours of normal operation if there are residences within 500 feet of the use.
- F. All lighting shall be shielded and reflected away from streets and adjoining properties.

**§455. School, Public or Private, Primary or Secondary**

- A. Minimum lot area- one acre if less than 100 students, three acres if 100 students or over.
- B. No children's play equipment, basketball courts, baseball backstop or infield or illuminated recreation facilities shall be within 25 feet of the lot line for a residential district or use.
- C. The use shall not include a dormitory unless specifically permitted in the District.

**§456. Self-Storage Development**

- A. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No “junk vehicles” shall be stored within view of a public street or a dwelling.
- B. Trash, radioactive or highly toxic substances, animal carcasses or skins, or similar items shall not be stored.
- C. Interior traffic aisles, required off-street parking areas, loading areas, and access ways shall be kept clear of stored items.
- D. Body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- E. Adequate lighting shall be provided for security, but it shall be directed away or shielded from adjacent or nearby residential uses or public rights-of-way.
- F. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street, or collector street (as defined by the Montgomery County Comprehensive Plan, 2005) shall be separated from that street by a buffer yard with screening. The buffer planting area shall be not less than ten (10’) feet in width and shall consist of evergreens at least six feet high at time of planting, planted at least three feet apart, and which shall form a continuous screen as viewed from the road. The buffer yard may be located in the front, side, or rear yard setbacks. No paving shall be permitted within the buffer areas except for driveway crossings and/or walkways. Stormwater management facilities are permitted in the buffer area provided that the visual screening requirement of the buffer is still met.
- G. Maximum building length- 250 feet.
- H. Minimum separation between buildings- 20 feet.

**§457. Sight Distance at Intersections.**

- A. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
- B. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 30 inches and ten feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than one foot in width or utility posts or the trunks of trees).
- C. This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of land.

**§458. Sportsmen’s Clubs.**

- A. The minimum site required shall be 10 acres.
- B. Discharging of firearms shall not be permitted.
- C. Archery shall not be permitted within 500 feet of any existing residence.
- D. Any outdoor activity within 200 feet of an existing residence shall cease operations at sunset.
- E. One parking space shall be provided for each four members.
- F. All property boundaries shall be screened as required by the Subdivision and Land Development Ordinance.
- G. Outdoor lighting shall be shielded and reflected away from streets and adjoining properties.
- H. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- I. Each use shall comply with **§447: Prohibited Uses and Performance Standards.**

**§459. Storage Trailers.** The use of Storage Trailers (see definition) in any zoning district shall be prohibited.

**§460. Supply Yards or Contractor Yards.**

- A. All materials and equipment shall be stored within a completely enclosed building or shall be limited to storage in the rear yard, if screened from view from the street or adjacent residential uses by a six-foot compact evergreen hedge or opaque fence.
- B. All operations, other than deliveries, shall be conducted within a completely enclosed building.
- C. No shipping or receiving shall be permitted within 300 feet of a residential use between the hours of 6:00 p.m. and 8:00 a.m.

**§461. Swimming Pool, Non-Household**

- A. The water surface shall be set back at least 25 feet from any lot line.
- B. Minimum lot area- one acre.
- C. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of the SALDO.

- D. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
- E. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system; or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
- F. Water service. Any inlet from a central water system shall be above the overflow level of the pool.
- G. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than necessary for the convenient hearing of persons at the pool.
- H. Parking shall be provided at a rate equal to one space for every three persons permitted under maximum occupancy.

**§462. Townhouses.**

- A. The maximum number of dwelling units within any building or within attached buildings: six (6).
- B. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Zoning Ordinance are met and provided that no single acre of land includes more than 5 dwelling units.
- C. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
- D. Floor Area. See minimum habitable floor area requirements in **§433: Minimum Habitable Floor Area**.
- E. Building Setback and Separation. The following minimum setbacks shall apply for townhouse buildings, whichever is most restrictive;
  - 1. Principal and accessory structures from all rights-of-way of pre-existing streets – 50 feet.
  - 2. Accessory structures from a lot line within the townhouse or low-rise apartment tract- three feet.
- F. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building
- G. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- H. Minimum Width of Townhouses – Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:
  - 1. Has two or more off-street parking spaces located within 20 feet of the front of the townhouse; or
  - 2. Has garage door(s) for two or more motor vehicles facing onto the front of a townhouse.
- I. Additional Requirements: For Construction of Private Streets, preservation of natural buffers, and dumpster screening, see **the Subdivision and Land Development Ordinance**.
- J. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 20 feet from any dwelling.
- K. To avoid garages from being an overly prominent part of the view of townhouses from the streets, landscaped parking courts or garages/carports at the rear or dwellings are encouraged.
- L. Access. Vehicular access points onto all arterial and collector streets, as defined by the Montgomery County Comprehensive Plan, 2005, shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- M. Common Open Space.
  - 1. For any townhouse development involving 25 or more dwelling units, a minimum of ten percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Zoning Ordinance or the Subdivision and Land Development Ordinance. Common open spaces are encouraged to be used as a buffer against any abutting major roads.
  - 2. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Township Board, that there will be an adequate permanent method in place to maintain the common open space.
  - 3. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
- N. Condominiums. The division of land into individual lots is not required, but instead, condominium ownership may be used.

**§463. Traffic Impact Study**

- A. Intent. A Traffic Impact Study is intended to enable the Township to assess the traffic impacts of a proposal. Specifically, its purpose is to:
  - 1. Identify any traffic problems that may be created in the existing highway network as a result of the proposal.
  - 2. Delineate solutions to potential problems and to present improvements to be incorporated into the proposal or into the highway and/or public transit systems within the study area.



3. Assist in the protection of air quality and the conservation of energy, and to encourage the use of public transit where available.
- B. Preparation of Study. The Traffic Impact Study shall be prepared by a qualified traffic engineer and/or transportation planner with the cost borne by the applicant. The procedures and standards for the traffic impact study are set forth below.
- C. Applicability.
  1. A Traffic Impact Study shall be submitted with all requests for change of zoning, special exception, conditional use, and as part of the preliminary plan application for all subdivisions and/or land developments and/or planned residential developments when the proposed use and/or development involves 20 or more dwelling units or is a nonresidential use, unless determined not necessary by the Board of Commissioners.
    - a. The anticipated number of trips per day shall be determined through the use of Institute of Transportation Engineers' (ITE) Trip Generation Report (Fourth edition, or as amended). The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the applicant shall seek guidance from the Planning Commission.
  2. An application which requires a Traffic Impact Study shall not be considered complete until the Traffic Impact Study is submitted to the appropriate review body in accordance with the provisions of this section.
  3. The appropriate review body, at its discretion, may require any other subdivision, land development, zoning change, special exception or conditional use application to be accompanied by a traffic impact study.
- D. General Requirements and Standards.
  1. Traffic Study Area. The study shall be defined by two concentric circles at each access point:
    - a. The first circle shall have a radius of one-half mile from each access point and shall include all intersections along all roadways on which the tract has frontage and all major intersections on all other roadways (for "major intersections", see definition).
    - b. The second circle shall have a radius of one mile from each access point and include all major intersections on all roadways on which the tract has frontage. In the case that no major intersections are encountered on frontage roadways within either the one-half mile or one mile radius areas, the study area shall be extended along frontage roadways to at least the first major intersection in each direction.
    - c. Proposals that will generate more than 2,500 new average daily trips, as determined by the applicant's engineer, and as agreed by the Township Engineer, shall expand the first concentric circle to a one-mile radius and the second circle to a two-mile radius.
    - d. All intersections identified in the study area should be examined, even if the intersections are located outside of the Township. The transportation engineer shall seek guidance from the Planning Commission prior to the initiation of the traffic impact study to insure agreement on the study area boundaries.
  2. Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units shall also be included. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site, e.g., number of senior citizens. A brief description of other major existing and proposed land development within the study area shall be provided.
  3. Transportation Facilities Description. The description shall contain a full documentation of the proposed internal and existing external transportation system:
    - a. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site.
    - b. The report shall describe the entire external roadway system within the study area. Intersections in the study area shall be identified and illustrated. Any existing and proposed public transit services and facilities within a one-mile radius of the site shall also be documented.
    - c. All future highway improvements, including proposed construction and traffic signalization, shall be indicated. This information shall be obtained from the Pennsylvania Department of Transportation's Twelve-Year Highway and Bridge Program and from the Township. Any proposed roadway improvements associated with surrounding proposed development shall be noted.
  4. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area and shall include:
    - a. Current average daily traffic volumes, peak highway hour(s) traffic, and peak development-generated hour(s) traffic.
    - b. Manual traffic counts at all intersections in the study area, encompassing the peak highway and development-generated hour(s), with documentation included as a technical appendix to the report.

- c. Delay analysis based upon existing volumes, performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and intersections in the study area.
  - d. Volume/capacity (v/c) analysis for all intersections having a level of service D, E, or F or which should be reasonably expected to have such a level of service after the proposed development. Volume/capacity ratios and delay levels of service shall be determined for each location according to the 1985 Highway Capacity Manual, as amended.
  - e. The date or dates when any and all traffic counts were made.
  - f. Analysis of the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or signalized intersections experiencing levels of service E or F, and v/c ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized or under signalized intersections with levels of service E or F shall be noted as deficient.
5. Impact of Development.
- a. Estimation of vehicular trip generation to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). All turning movements shall be calculated.
  - b. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Provide documentation of all assumptions used in the distribution and assignment phases. Traffic volumes shall be assigned to individual access points.
  - c. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing.
  - d. Note any characteristics of the site that will cause particular trip generation or distribution problems.
6. Analysis of Impact.
- a. The total future traffic shall be calculated and shall consist of the existing traffic volume expanded to the project completion year using an annual background growth factor plus the development-generated traffic and the traffic generated by other proposed developments in the study area.
  - b. The annual background growth factor shall be determined using the projected rates of population and employment growth as determined by Montgomery County Planning Commission and the average annual traffic growth of the area's roadways as determined from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Traffic Counts" and current 24-hour traffic counts.
  - c. Delay analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made.
  - d. Analysis shall include the peak highway hour(s) and peak development-generated hour(s) for all roadways and intersections in the study area. Delay calculations shall be completed for all intersections and proposed access points to the development. A volume/capacity (v/c) analysis shall be conducted for all intersections having a future level of service D, E or F.
  - e. All access points and pedestrian crossing shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.
7. Conclusions and Recommendations.
- a. Levels of service (LOS) and volume/capacity (v/c) ratios shall be listed for all roadways and intersections. All roadways and intersections showing a level of service E or F, and v/c ratios equal to or greater than 1.0 shall be considered deficient.
  - b. The proportion of site-generated traffic to total future traffic shall be identified at each lane group that is considered deficient. Specific recommendations for the elimination of all deficiencies shall be listed and shall include: internal circulation design, site access location and design, external roadway intersection design and improvements, traffic signal installation and operation including signal timing, and transit design improvements.
  - c. All physical roadway improvements shall be illustrated.
  - d. Signal timing shall be evaluated for any intersection with a level of service D, E or F, but a volume/capacity (v/c) ratio less than 1.0. Warrants for signalization shall be examined for unsignalized or undersignalized intersections with levels of service E or F.
  - e. Existing and/or future public transit service shall also be addressed and any transportation management techniques which would be available to the proposed development shall be identified. A listing of all actions to be taken to encourage public transit usage for development generated trips, and/or improve existing service, if applicable, shall be included.

**§464. Water Supply and Sewage Disposal**

All development in the Township shall be served by water supply and sewage disposal facilities which are appropriate for the type of land use, physical characteristics of the land, location in the Township, and availability of existing water and sewage systems, and shall be further regulated by the requirements below:

- A. Unless prohibited in the zoning district, individual on-site water supply and sewage disposal facilities may be used in all zoning districts where central water and/or sewer facilities are not available. Written proof of compliance with the applicable Township and state regulations must be provided to the Zoning Officer before occupancy permits will be issued.
- B. Shared Facilities are prohibited.
- C. All methods of wastewater disposal shall meet requirements of DEP, the Township Sewer Authority and the Official Township Sewage Facilities Plan, as amended, as applicable. Uses within 300 feet of a sanitary sewer line connected with a public sewer system shall be required to connect to the line.
- D. Review of on-lot systems. Any septic system is required to be reviewed by the Sewage Enforcement Officer (SEO) for adequacy if a change of use or expansion of use would cause a significant increase in sewage flows, or if there would be an increase in the number of dwelling units. If the SEO determines that a system is malfunctioning or undersized, improvements may be required to the system prior to such change of use or expansion.
- E. Back-up System. Any lot using an on-lot septic system that is to be granted final subdivision approval as part of a subdivision after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be found suitable based on soil probes, but not necessarily a perc test, by a State-certified Sewage Enforcement Officer and found in writing to meet State setback and slope requirements. The soil probes shall be located a minimum of 15 feet from the boundaries of the proposed primary septic system. A Township sewage permit is not specifically required at the time of subdivision approval for such back-up system.
- F. On-lot systems and lot area. A more restrictive minimum lot area may be established by the SEO on DEP regulations.

**§465. Yard Exception for Accessory Building.** Nothing in these regulations shall prohibit the erection of an accessory building anywhere in the rear yard; but not nearer than 5 feet to any side or rear property line; except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Officer the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.

## ARTICLE V

### R-1 Low-Density Residential District

#### §500. Declaration of Legislative Intent

In expansion of the Declaration of Legislative Intent found in **Article I, §102** of this Ordinance, and the Statement of Community Development Objectives found in **Article I, §103**, of this Ordinance, it is the intent of this Article to:

- A. Establish reasonable standards of performance and promote the desirable benefits which single-family detached residential uses have throughout the community.
- B. Create a Rural Resource Conservation Area as described in the Pottstown Metropolitan Area Regional Comprehensive Plan.
- C. Provide for lower density residential development in those areas of the township that are rural in character, and are not generally intended to be served by public sewer and water.
- D. Provide standards for new development that will guide growth as recommended in the Regional Plan that:
  1. Allow for future residential development that is designed in a manner that protects the existing agricultural lands, woodlands, and open space, historic features, as well as other important rural environmental resources.
  2. Encourage retention of woodlands, hedgerows, and other vegetation to moderate the effects of storms, absorb pollutants and noise, shelter wildlife, and provide a diverse natural environment.
  3. Minimize the impact of development on groundwater and surface water resources to ensure the continued availability of a reliable, safe, and adequate water supply.
- E. Recognize existing development patterns within the R-1 District by:
  1. Allowing for residential development on pre-existing lots less than two acres to maintain conforming status and therefore not diminish the present ability to utilize the lot.
  2. Allowing for reasonable new development and expansion of existing structures on pre-existing lots less than two acres.

#### §501. Permitted Uses

On any lot in the R-1 District, any one of the following uses, and no other, is permitted:

- A. Uses Permitted By-Right:
  1. Agriculture
  2. Single-family detached dwellings
  3. Municipal uses
  4. Parks, playgrounds, tot-lots and open space [in accordance with **§440: Open Space Regulations**].
  5. Accessory uses and buildings in accordance with **§401: Accessory Uses**.
- B. Conditional Use. The following uses are permitted when approved by the Board of Commissioners as a conditional use, in accordance with the Conditional Use Provisions found in Article XXI of this Ordinance:
  1. School [in accordance with **§455: School, Public or Private, Primary or Secondary**].
  2. Religious use [in accordance with **§444: Places of Worship**].
  3. Community Center [in accordance with **§411: Community Center of Library**]
  4. Cemetery [in accordance with **§409: Cemetery**].
  5. Library [in accordance with **§411: Community Center of Library**]
- C. Special Exception. The following uses are permitted when a Special Exception is granted by the Zoning Hearing Board, subject to the Special Exception provisions found in **Article XXI: Conditional Uses and Special Exceptions** of this ordinance:
  1. Group home [in accordance with **§424: Group Homes**]
  2. Bed-and-Breakfast [in accordance with: **§405: Bed and Breakfasts**]
  3. Family Day Care [in accordance with: **§413.A.1: Family Day Care**]
  4. Group Day Care [in accordance with: **§413.A.2: Group Day Care**]
- D. All conditional uses and special exception uses must be served by public water and sewer, and meet the minimum dimensional standards for single-family detached dwellings set forth in **§502: Dimensional Standards**, unless stricter requirements apply to such uses as set forth in the general regulations (**Article IV**) and the conditional use and special exception conditions (**Article XXI**).

#### §502. Dimensional Standards

- A. Single-Family Detached – In order to adhere to the Legislative Intent of the R-1 District, minimum lot area shall be two net acres.
  1. Minimum lot area: 2 net acres
  2. No subdivision of lots less than two gross acres shall occur

3. No lot line change shall occur to an existing lot of less than two acres unless it is to create a lot that is two acres or larger and creates no further nonconformity.
4. Minimum lot width: 150 feet
5. Minimum front yard setback: 90 feet
6. Minimum rear yard setback: 60 feet
7. Minimum side yard setback: 30 feet
8. Maximum Building Coverage: 15 percent.
9. Maximum Impervious Coverage: 20 percent.
10. Maximum height
  - a. for any dwelling: 35 feet
  - b. for any building accessory to any dwelling use: 20 feet.
11. Garages- when garages are front-loaded (facing the street), they shall be set back at least five (5) feet farther from the street than the front façade of the house.

- B. Net lot area calculation. The following environmental adjustment factors shall be used to calculate net lot area. Each natural feature in the following figure shall be mapped for each proposed lot and deducted in part or wholly from the total lot area based on the percentages shown on the chart:

Environmental

Natural Feature	On-Site Sewer and Water	Public Water Only	Public Sewer Only	Public Water and Sewer
Soils:				
A. Seasonal high water table* less than 18"	.66	.66	0	0
B. Depth to bedrock* less than 42"	.33	.33	0	0
Diabase**	.33	.33	0	0
Water bodies	.66	0	.66	0
Watercourses	1	1	1	1
Floodplain	1	1	1	1
Wetlands	1	1	1	1
Slope greater than or equal to 25%	1	1	1	1
Slopes 15% to 25%	.33	.33	.33	.33

Notes: \* Applies to a sewage system that uses land for treatment/disposal. For a sewage system not using land, the density factor equals 0. \*\* Applies to a system that uses on-site wells as the water source. For sites using public water or community water that is part of a larger, integrated system, the density factor equals 0, provided the Township Engineer is satisfied the water supply will be sufficient, will not cause any adverse effect to the existing wells and will comply with all applicable requirements relating to wells and water supply presently in force or any future amendments enacted by West Pottsgrove Township and/or the Commonwealth of Pennsylvania.

**ARTICLE VI**  
**R-2 Medium Density Residential District**

**§600. Declaration of Legislative Intent**

In expansion of the Declaration of Legislative Intent found in **Article I, §102** of this Ordinance, and the Statement of Community Development Objectives found in **Article I, §103**, of this Ordinance, it is the intent of this Article for a higher density of dwellings, namely single-family detached, in those areas of the township where the character of the existing development would most readily accommodate such uses and where existing facilities permit a higher density of development.

**§601. Permitted Uses**

On any lot in the R-2 District, any one of the following uses, and no other, is permitted:

- A. Permitted Uses.
  - 1. Single-family detached dwellings
  - 2. Municipal uses
  - 3. Parks, playgrounds, tot-lots and open space [in accordance with **§440: Open Space Regulations**].
  - 4. Accessory uses and buildings [in accordance with **§401: Accessory Uses**].
- B. Conditional Use. The following use when approved by the Board of Commissioners as a conditional use:  
The following uses are subject to the Conditional Use Provisions found in **Article XXI: Conditional Uses and Special Exceptions** of this Ordinance.
  - 1. School [in accordance with **§455: School, Public or Private, Primary or Secondary**]
  - 2. Religious use [in accordance with **§444: Places of Worship**]
  - 3. Community Center [in accordance with **§411: Community Center or Library**]
  - 4. Library [in accordance with **§411: Community Center or Library**]
- C. Special Exceptions. The following use when approved by the Zoning Hearing Board as Special Exceptions, subject to the Special Exception provisions found in **Article XXI: Conditional Uses and Special Exceptions** of this Ordinance:
  - 1. Family Day Care [in accordance with **§413.A.1: Family Day Care**]
  - 2. Sportsmen Club [in accordance with **§458: Sportsmen's Club**]
- D. All conditional uses and special exception uses must be served by public water and public sewer and meet the minimum dimensional standards for Class One, single-family detached dwellings as set forth in **§602.A.**, unless stricter requirements apply to such uses, as set forth in the general regulations (**Article IV**) and the conditional use and special exception conditions (**Article XXI**) of this ordinance.

**§602. Dimensional Standards**

- A. Single-Family Detached, Class One – In order to adhere to the Legislative Intent of the R-2 District, a lot without either public water or public sewer shall be designated as a Class One lot and shall require the following dimensional requirements:
  - 1. Minimum lot area: 30,000 square feet
  - 2. Minimum lot width: 125 feet
  - 3. Minimum front yard setback: 50 feet
  - 4. Minimum rear yard setback: 50 feet
  - 5. Minimum side yard setback: 25 feet
  - 6. Maximum Density: 1 dwelling unit per 30,000 s.f.
  - 7. Maximum Building Coverage: 15 percent
  - 8. Maximum Impervious Cover: 25 percent.
  - 9. Maximum height
    - a. for any dwelling: 35 feet
    - b. for any building accessory to any dwelling use: 15 feet.
  - 10. No lot line change shall occur to an existing lot of less than 30,000 s.f. unless it is to create a lot that is 30,000 s.f. or larger and creates no further nonconformity.
- B. Single-Family Detached, Class Two – In order to adhere to the Legislative Intent of the R-2 District, a lot with public water and public sewer shall be designated as a Class Two lot, and shall require the following dimensional requirements:
  - 1. Minimum lot area: 18,000 square feet

2. No subdivision of lots less than 36,000 square feet shall occur.
3. Minimum lot width: 100 feet
4. Minimum front yard setback: 45 feet
5. Minimum rear yard setback: 45 feet
6. Minimum side yard setback: 20 feet
7. Maximum Building Coverage: 20 percent.
8. Maximum Impervious Cover. 25 percent.
9. Maximum height
  - a. for any dwelling: 35 feet
  - b. for any building accessory to any dwelling use: 15 feet.

## ARTICLE VII

### R-3 Mixed Density Residential District

#### §700. Declaration of Legislative Intent

In expansion of the Declaration of Legislative Intent found in **Article I, §102** of this Ordinance, and the Statement of Community Development Objectives found in **Article I, §103**, of this Ordinance, it is the intent of this Article to:

- A. Direct higher densities of development to village centers in areas of the Township served by public or central sewer systems and by major roads.
- B. Meet the Township's obligations to provide a diversity of housing types for a wide range of income levels and age groups.
- C. Encourage compact development thereby reducing the cost of provision of public services.

#### §701. Permitted Uses

On any lot in the R-3 District, any one of the following uses, and no other, is permitted:

- A. Permitted Uses.
  1. Single-family detached dwellings
  2. Single-family attached dwellings [in accordance with **§462: Townhouses**]
  3. Twin dwellings
  4. Duplexes
  5. Municipal uses
  6. Parks, playgrounds, tot-lots and open space [in accordance with **§440: Open Space Regulations**].
  7. Accessory uses and buildings [in accordance with **§401: Accessory Uses**].
- B. Conditional Use. The following use when approved by the Board of Commissioners as a conditional use:  
The following uses are subject to the Conditional Use Provisions found in **Article XXI: Conditional Uses and Special Exceptions** of this Ordinance.
  1. School [in accordance with **§455: School, Public or Private, Primary or Secondary**]
  2. Religious use [in accordance with **§444: Places of Worship**].
  3. Multifamily dwellings [in accordance with **§437: Multifamily Uses: Garden Apartments**]
  4. Community Center [in accordance with **§411: Community Center or Library**]
  5. Library [in accordance with **§411: Community Center or Library**]
  6. Club or fraternal institution [in accordance with **§410: Club**], provided that the principal activity shall not be one which is customarily carried on as a business and provided that all services shall be for members and their guests only.
- C. Special Exceptions.  
The following uses are subject to the Special Exception Provisions found in **Article XXI** of this Ordinance.
  1. Offices for professional services, personal services, and administrative activities, including sale of products customarily incidental to the uses permitted in this section, such as offices of agents, physicians, dentist, lawyers, architects, engineers, musicians, artists, teachers, optometrists, and photographers, provided that no office shall occupy more than 20% of the total floor area of a proposed townhouse or apartment development.
  2. Family Day Care in a single-family detached dwelling [in accordance with **§413.A.1 (Family Day Care)**]

#### §702. Dimensional Standards

- A. The following table presents the applicable dimensional standards for each permitted use (all are minimum required dimensions unless otherwise noted).

Use	Minimum Lot Area	Minimum Lot Width	FYSB	SYSB	RYSB	Maximum building coverage	Maximum impervious coverage	Maximum Dwelling Units per Acre
Single Family Detached (SFD), municipal use, open space	10,000	80	30	15	30	25	40	Determined by minimum lot area
Twin (per unit)	4,000	35	30	15	25	30	45	5 DU/Acre
Duplex	8,000	50	30	15	25	30	45	
Single Family Attached (SFA)	2,500	25; 40 for end units	30	15*	25	40	60	

\* Note: see **§702.C**, where applicable. For Garden Apartments, see **§437: Multifamily Uses: Garden Apartments**.



- B. Maximum height
  - 1. for any principal structure: 35 feet
  - 2. for any building accessory to any dwelling use: 15 feet.
- C. Additional development regulations for single-family attached developments (townhouses) and multifamily uses (garden apartments).

Building size. For all single-family attached units there shall be no more than six dwelling units in a continuous row for each building.

  - 1. Distance between buildings.
    - a. For any two exterior facing walls, the buildings of which are oriented front-to-front, front-to-rear, or rear-to-rear, the minimum distance apart shall be equal to 1 ½ times the height of the taller building.
    - b. For any combination of exterior facing walls not qualifying under subsection (a) above, the minimum distance apart shall be ½ the height of the taller building.
  - 2. Buffer Yard. A 20 foot-wide buffer yard with a filtering buffer shall be provided between the single-family attached unit and: any abutting existing single-family detached dwelling within 100 feet; or the right-of-way of an arterial street that abuts the rear of the units and is within 100 feet. The buffer yard shall contain a filtering buffer, which shall consist of one canopy tree (2-1/2" minimum caliper), two evergreens (8 feet minimum height), and two understory trees (1-1/2" minimum caliper).
  - 3. Minimum Tract Size.
    - a. Single-family attached dwellings (townhouses): 5 acres shall be required.
    - b. Multifamily uses (garden apartments): 10 acres shall be required.

### **§703. General Requirements**

All uses within the R-3 District shall be served by a public sanitary sewage disposal system and by public water supply facilities. In addition, conditional uses and special exception uses shall meet the minimum dimensional standards for single-family detached dwellings as set forth in **§702: Dimensional Standards**, unless stricter requirements apply to such uses as set forth in the general regulations (**Article IV**) and the conditional use and special exception regulations (**Article XXI**) of this ordinance.

**ARTICLE VIII**  
**PRC-Planned Retail Center District**

**§800. Declaration of Legislative Intent.** In expansion of the Declaration of Legislative Intent contained in **Article I, §102** of this ordinance, and the Statement of Community Development Objectives as contained in **Article I, §103** of this ordinance, it is hereby declared to be the intent of the PRC-Planned Retail Center District to provide for a variety of commercial and office facilities which may serve both West Pottsgrove Township and the surrounding trade area.

**§801.** A Planned Retail Center is defined as a building or group of buildings erected, altered or used for any combination of two or more of the uses permitted pursuant to subsection A below, on a lot or lots. Such building or group of buildings shall consist of a total gross floor area of not less than 100,000 square feet.

- A. Permitted Uses:
  - 1. Retail store.
  - 2. Restaurant.
  - 3. Supermarket and other grocery store.
  - 4. Bakery or café.
  - 5. Business or personal office.
  - 6. Studio.
  - 7. Bank or financial institution.
  - 8. Municipal use.
  - 9. Personal service shop.
  - 10. Business service establishment including copy centers and mail box rental and shipping centers.
  - 11. Convenience store (accessory gas sales are permitted).
  - 12. Gas sales accessory to any retail or grocery use.
- B. Use Permitted by Special Exception: Day Care Center [in accordance with **§413: Day Care Services**]
- C. Development Regulations.
  - 1. Area and Bulk Regulations.
    - a. Minimum tract size – 10 contiguous acres within this District.
    - b. Minimum tract width – 250 feet, measured at minimum building line and street line.
    - c. Maximum impervious coverage – 65 percent of the tract area.
    - d. Maximum building coverage – 20 percent of the tract area.
    - e. Maximum size - shopping centers are not permitted to exceed 450,000 square feet in size.
    - f. Maximum building height (excluding rooftop screening of equipment and architectural features not occupied by persons or property) – 40 feet provided, however, that no portion of any roof structure or roof elements shall exceed 50 feet in height. The Board of Commissioners may authorize building heights in excess of the maximum heights of this section upon good cause shown.
    - g. Minimum setback for parking areas – 50 feet from the lot line of an existing dwelling or residential zoning district or 40 feet from the street ultimate right-of-way line or property line.
    - h. Minimum building and/or truck loading dock setback from an existing dwelling or residential zoning district – 100 feet from the lot line of an existing dwelling or residential zoning district or 50 feet from the street ultimate right-of-way line or property line.
    - i. Minimum setback for outdoor loading and trash storage areas – 100 feet from the lot line of an existing dwelling or residential zoning district.
    - j. In order to minimize traffic congestion and hazard and to encourage the appropriate development of highway frontage:
      - i. No parking lot or area for off-street parking or for the storage of motor vehicles shall abut directly a street or highway and each such area shall be separated from a street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary access ways or driveways.
      - ii. Each separate use, or group of buildings, constructed as part of an integrated plan shall have not more than two access ways to any one street or highway, and where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. Each access way shall be no less than 24 feet in width.
    - k. Each use shall comply with **§447: Prohibited Uses and Performance Standards** of this ordinance.
    - l. Each use shall be subject to the off-street parking and loading and sign requirements of **Articles XV: Off-Street Parking and Loading, and XVI: Signs**, and to any other pertinent provisions of this ordinance.
    - m. Each use shall comply with **§441: Outdoor Storage Control** of this ordinance.

2. Buffering and Landscaping.
  - a. Berms and Screening – Where a parking area, loading area, or driveway of a Retail Center will be located within 100 feet of an adjoining lot line of an existing dwelling or an approved residential lot, a landscape screen shall be provided. Such screen may be comprised of a combination of earthen berms, plantings and/or fencing.
  - b. Parking Lot Landscaping – In addition to required buffer plantings and street trees required in the Subdivision and Land Development Ordinance:
    - i. Landscaped islands shall be placed at ends of all parking rows.
    - ii. 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.
    - iii. Except as may be limited by subsection (d) below, each planting island shall contain at least one shade tree 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 by 18 feet in area, (or 2 parking stalls or 9 feet by 36 feet for 2 adjacent back-to-back rows) whichever is greater, and underlain by soil and protected by curbing, wheel stops, or bollards.
    - iv. 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 snowplows to pass through. Paved walkways within planting strips shall be utilized where appropriate to allow safe pedestrian circulation within parking lots.
      - (a) In off-street parking areas associated with supermarket grocery stores, planting strips may be removed in the area extending for a distance of 350 feet from the front of the supermarket building façade to provide efficient, safe and uninterrupted pedestrian movement through the parking lot.
      - (b) The minimum radius for parking lot landscape planting strips within a planned retail center shall be 4.5 feet.
    - v. Trees shall be avoided in locations within parking lots where they may become sight obstructions.
    - vi. Canopy trees of not less than 2.5 inch caliber shall be planted along the public road frontage spaced not less than 50 feet apart.
  - c. Buffer Areas – A buffer planting area of not less than 25 feet in width shall be established along all property lines and external street boundaries as outlined below:
    - i. A screen buffer shall be required adjacent to any residential zoning district. A screen buffer may consist of 8 evergreen trees, 2 understory (flowering trees), 2 canopy trees and 10 shrubs per 100 lineal feet of property line.
    - ii. A softening buffer shall be required adjacent to any commercial or industrial zoning district. A softening buffer may consist of 1 canopy tree, 2 understory (flowering trees) and 2 evergreen trees per 100 lineal feet of property line.
    - iii. Any existing trees and/or shrubs located within a designated buffer area and that are preserved during the development of the property shall be credited toward the number of trees and/or shrubs required to be provided within the buffer area.
    - iv. Any existing tree and/or shrub located on an abutting property located within an industrial or commercial zoning district, and located within 25 feet of the property line of the Planned Retail Center shall be credited toward the number of trees and/or shrubs required to be provided within the softening buffer area provided along the property line abutting the respective commercial or industrial zoning district.
    - v. Where buildings, parking areas and/or truck loading docks are set back from the applicable lot lines by more than the setback required under **§801.C: Development Regulations**, the width of the required buffer planting area may be reduced by one foot for every 10 feet of added setback distance, provided that in no case shall the minimum buffer planting area be less than 10 feet in width.
    - vi. Where berms and/or fencing of at least 6 feet in height is utilized at or near a lot line, the width of the minimum buffer planting area may be reduced to 10 feet.
  - d. Stormwater Detention Basin Landscaping – A minimum planting of two trees and ten shrubs shall be planted in and around the basin for each 100 lineal feet of basin perimeter.

3. Minimum Parking Within a Planned Retail Center. One parking space for each 200 square feet of gross floor area.
4. Architecture.
  - a. Rooftop heating, ventilation and air conditioning equipment shall be screened from view of adjacent public streets and dwellings in a manner that is consistent with the architectural design.
  - b. Loading and unloading docks, dumpsters and exterior compactors shall be located and designed in a manner that minimizes their visibility from any acoustic impacts on adjacent streets and residential properties.
  - c. Front building facades shall not have an unbroken single appearance for more than 100 feet in length. Variations in materials, colors, textures, overhangs, setbacks, display windows and/or entranceways shall be used to provide visual interest.
  - d. 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.
  - e. 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 roofs and HVAC units.
    - i. 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.
  - f. Businesses located within the Planned Retail Center will not be required to abandon their legally protected trademarks, logos and color schemes and trim colors, provided they are appropriately integrated into an aesthetically pleasing overall design.
  - g. Outdoor sales, display and storage areas shall be permitted within the Planned Retail Center only if they conform to the following requirements:
    - i. No part of a street right-of-way, no sidewalks or other areas intended and designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside sales, display and/or storage. A portion of sidewalk may be designated for outdoor sales, display and/or storage by clearly delineating such area (e.g., by the use of crosshatching or a yellow line, or by the use of fencing or other physical enclosure) on both the sidewalk and the project side plan submitted for township approval; provided, however, that a sufficient area of remaining sidewalk is designated for exclusive pedestrian use.
    - ii. Outdoor sales, display or storage shall not exceed 10 percent of the gross building floor area. Outdoor garden centers in conjunction with a home improvement retail use shall be permitted to exceed 10 percent but not exceed 25 percent of the gross building floor area of the home improvement retail use. No additional parking shall be required for outdoor sales, display and storage areas including garden centers.
    - iii. Outside sales, display and storage areas otherwise visible from offsite locations shall be screened so that the visual and acoustic impacts of these functions are shielded from all public streets and adjacent residential lots (except that, in the case of large retail stores, an outdoor area for sales and display of retail merchandise that fronts on a major state road, such as Route 100, may be visible from public streets adjacent to the Planned Retail Center as long as adjacent residential lots remain shielded from such view and acoustical impacts)
    - iv. Uses requiring more substantial amounts of land area for outdoor sales, display and/or storage may be exempted from the provisions of subsection b. above when granted a special exception by the Zoning Hearing Board.
    - v. Materials, colors and design of areas designated for outdoor sales, display and storage shall conform to those used as the predominant materials and colors of the building. If such areas are to be enclosed or covered, then such enclosure or covering shall conform to those used as predominate materials and colors of the building.
  - h. Buildings and shopping centers shall have clearly defined highly visible customer entrances for primary buildings featuring the following: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, outdoor patios, and display windows.
5. Additional Signs Permitted Within a Planned Retail Center.
  - a. One freestanding ground sign identifying the Planned Retail Center and the various tenants of the Planned Retail Center shall be permitted along each street frontage abutting the Planned Retail Center provided that the total area of any one permitted freestanding ground sign shall not exceed a total of 250 square feet on any one face. Freestanding ground signs shall be permitted to be double faced. The Board of Commissioners may permit a freestanding ground sign with an area in excess of 250 square feet on any

- one face upon good cause shown, and following review and recommendations by the Planning Commission.
- b. Wall Signs – The total gross surface area of all wall signs located on a single building shall not exceed 10 percent of the exterior of the front building wall (including window and door area and cornices) of the building. Building frontages shall be defined as the lineal footage of a building face which serves as the principal approach to a store or building and which building face fronts a public street, Retail Center driveway or pedestrian walkway. For corner lots or buildings, the building frontage may be calculated on the basis of the principal approach and adjacent faces, if such face also fronts on a public street, Retail Center driveway or pedestrian walkway.
  - c. Pedestrian Directory Signs – The names of commercial business establishments within a Planned Retail Center shall be permitted on a sign in any location within a Planned Retail Center which is used solely for pedestrian traffic. The signs shall not exceed 50 square feet on any one side, and they may be double faced.
  - d. Sign Illumination – Signs may be illuminated by internal illumination or by concealed indirect lighting.
  - e. Directional signs shall be permitted in conjunction with a Planned Retail Center in any location within a Planned Retail Center. Such directional signs shall be in conformity with the provisions of **Article XVI: Signs**.
  - f. Additional signs may be permitted and the size and height of signs may be increased upon review and recommendation by the Planning Commission and approval by the Board of Commissioners of West Pottsgrove Township.
6. Additional Requirements for a Planned Retail Center. A Planned Retail Center shall comply with the following additional standards.
- a. Within a Planned Retail Center, land may be subdivided for sale or leasing purposes without regard to individual lotting standards, provided that the development of those lots complies with the Planned Retail Center regulations and is an integral part of the center's plan. Access to individual lots so created shall be taken only from within the Planned Retail Center.
  - b. The Planned Retail Center shall be developed following a single unified plan, with a fully coordinated system of interior traffic access, coordinated traffic circulation and coordinated parking.
  - c. Where the Board of Commissioners have approved plans for a Planned Retail Center containing a lot area of not less than 10 acres, individual units, buildings or parcels of land within the Planned Retail Center may be leased, purchased, subdivided, sold and mortgaged, as individual zero lot line units with zero lot setback for internal parking and building lines, if developed as a single unified plan, provided that such leasing, subdivision or sales does not change the unified plan recorded for the shopping center.
  - d. Deeds conveying parts thereof 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 condition uniformly with the appearance and maintenance of the balance of the Planned Retail Center complex.
  - e. The failure of any purchaser to so covenant and agree shall thereby subject the proposed division of the lot or part thereof to the Zoning Ordinance and Subdivision Land Development Ordinance of West Pottsgrove Township.
  - f. Each commercial use located within the Planned Retail Center 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 Planned Retail Center.
  - g. Each use located within the Planned Retail Center shall comply with the performance standards contained in **§447: Prohibited Uses and Performance Standards** of the West Pottsgrove Township Zoning Ordinance.
  - h. Each use subject to the off-street parking and loading and sign requirements of **Articles XV and XVI** and to any other pertinent provisions of the Zoning Ordinance unless specifically modified herein.
  - i. Each use within a Planned Retail Center shall comply with **§438: Noise Control and §441: Outdoor Storage Control** of the Zoning Ordinance unless specifically modified herein.
  - j. Road Maintenance and Municipal Police Provisions. In the event a planned retail center provides road access which will 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 services to the planned retail center to the satisfaction of the Board of Commissioners:
    - i. Road Dedication and Maintenance. Any road dedicated to the Township for servicing a planned retail center shall be provided with paving, curbing and necessary drainage, as required by Township ordinances, and to meet the maintenance and other responsibilities associated with the acceptance of a road adjacent to a planned retail center, the Board may permit applicant to offer a \$30,000 per

annum assessment (measured in A.D. 2006 dollar values) to the Township and an initial one-time equipment fee of \$25,000 which offer, if accepted by Township, shall be deemed to have satisfied this requirement. All fees and assessments are to be provided to the Township upon the issuance of the first Certificate of Occupancy for a business in a planned retail center.

- ii. Additional Police Protection. With the understanding that applicant cannot directly hire or otherwise control municipal police to assist applicant in meeting this burden, the Board may permit applicant to offer a \$44,000 per annum assessment (measured in A.D. 2006 dollar values) to the Township and an additional one time equipment fee of \$50,000, which offer, if accepted by the Township, shall be deemed to have satisfied this requirement. All fees and assessments are to be provided to the Township upon the issuance of the first Certificate of Occupancy for a business in a planned retail center.
  - iii. 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.
  - k. Open Space Dedication of Land to the Use of the Township. Not less than 5 contiguous acres shall be offered for dedication to the Township by applicant for public purposes. This donation shall satisfy and replace any open space dedication requirements as contained in the West Pottsgrove Township Subdivision and Land Development Ordinance and may be utilized by the Township for any municipal or public purpose it deems appropriate.
7. Retail Center Roadway Requirements.
- a. Entrance Driveway:
    - i. All planned retail centers shall designate the entrance driveway that carries the largest volume of traffic into the center as the primary entrance drive. All other entrance drives shall be considered secondary entrance driveways.
    - ii. One entrance drive is permitted for each 500 lineal feet of street frontage.
    - iii. Entrance Driveway Separation Distances.
      - (a) The primary entrance driveway shall be located at an intersection of streets or must be separated from street intersections of interior streets by not less than 450 feet and from lower street classifications by not less than 200 feet, or as determined by PENNDOT. Distances are to be measured along the ultimate right-of-way of the road being intersected, from centerline to centerline.
      - (b) Other entrance driveways will be located at least 250 feet from any street intersection or intersection of other entrance driveways with a street. Distances are to be measured along the ultimate right-of-way of the road being intersected, from centerline to centerline.
      - (c) Primary entrance driveways shall have an uninterrupted travel lane of 150 feet. Distances are to be measured between the edge of pavement of the road that the entrance driveway intersects and the centerline of any proposed driveway that will intersect with the entrance driveway. Intersections with secondary entrance drives shall have an uninterrupted travel lane of 100 feet and shall be measured in the same manner as primary entrance drives.
      - (d) Primary entrance driveways shall be a minimum of 30 feet wide and other entrance driveways shall be a minimum of 28 feet wide for two-way traffic, widened appropriately for turning lanes at intersections. Right-turn only entrance drives shall be a minimum of 15 feet wide for each right-turn movement.
  - iv. Distribution Driveway.
    - (a) The primary function is to distribute traffic between entrance driveways and parking aisle driveways. Distribution driveways should be generally parallel to the storefront driveway.
    - (b) Parking along the distribution driveways is prohibited in front of buildings. Parking is permitted along distribution driveways when distribution driveways are parallel to the rear and side of buildings.
    - (c) Minimum cartway width: 26 feet.
  - v. Parking Aisle Driveways.
    - (a) The primary function is to provide direct access to parking spaces within parking areas.
    - (b) Excessively long parking aisle driveways will be divided by distribution driveways at intervals of 45 parking spaces (each side).
    - (c) Minimum cartway width: 22 feet.
    - (d) Parking stall size is required to be a minimum of 9 feet by 18 feet or 162 square feet within a planned retail center.

- (e) Bumper guards and wheel stops are prohibited in planned retail centers unless forming a part of the parking lot landscape planting strip.
- vi. Storefront Driveways.
  - (a) The primary function is to provide access to storefronts of principal buildings for drop-off and pick-up and to facilitate internal traffic flow from other driveways.
  - (b) Parking is prohibited along storefront driveways, but drop-off and pick-up areas will be provided at pull-off lanes in convenient locations, a minimum of 6 feet wide by 75 feet long.
  - (c) Minimum cartway width: 34 feet.
- vii. Service Driveways.
  - (a) The primary function is to provide access to loading and other service facilities while minimizing interference with customer traffic circulation.
  - (b) The employee parking may be located along these driveways, to the side or rear of principal buildings.
  - (c) Minimum cartway width: 30 feet.

**ARTICLE IX**  
**CB-Commercial Business District**

**§900. 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 Area Regional Comprehensive Plan, and the following objectives:

- A. Permit a wide variety of commercial uses, and some industrial uses, in locations consistent with the recommendations of the Pottstown Metropolitan Area Regional Comprehensive Plan.
- B. Establish reasonable standards for compatible commercial and industrial developments within appropriate areas of the township.
- C. Establish standards for orderly and well-planned development of commercial and industrial uses.
- D. Provide development standards that promote development compatible with nearby areas, and enhance the quality and character of land uses in the High Street Corridor.
- E. Limit the scale of new commercial development to that which can serve the Township and the Pottstown Metropolitan Area Region, while providing opportunities for commercial and industrial uses that cannot easily be accommodated on properties available in the region's Townships.
- F. Provide regulations that minimize congestion, hazardous traffic conditions and potential noise, glare and pollution resulting from commercial and industrial development.

**§901. Permitted Uses and Structures**

In the CB Commercial Business District, a building may be erected, altered or used and a lot may be used for any one of the following uses and no other, in compliance with the performance and dimensional standards contained in this article:

- A. Retail Store
- B. Wholesale office or showroom
- C. Restaurant
- D. Bank
- E. Professional Office
- F. Studio for dance, music, fitness, art or photography
- G. Club or lodge
- H. Personal service shop
- I. Laundry or dry cleaning plant – no flammable liquids
- J. Business or trade school
- K. Indoor amusement
- L. Veterinary clinic
- M. Commercial greenhouse or nursery
- N. Medical clinic
- O. Grocery store
- P. Convenience store
- Q. Parks or Open Space [in accordance with **§440: Open Space Regulations**]
- R. Funeral Home

**§902. Special Exceptions**

A building may be erected, altered, or used and a lot may be used for any of the following uses, when authorized by the Zoning Hearing Board as a special exception in accordance with all use and dimensional requirements contained in this section and the provisions of Article XIX and XXII of this Ordinance:

- A. Auto sales
- B. Car wash [in accordance with **§2100.H.7 (Car Washes)**]
- C. Distribution or trucking establishment.
- D. Hotel or motel [in accordance with **§427: Hotel or Motel**]
- E. Shopping center.
- F. Automobile fueling station
- G. Automotive garage or service station [in accordance with **§404: Auto Repair Garage or Service Station**]
- H. Library [in accordance with **§411: Community Center or Library**]
- I. Community center [in accordance with **§411: Community Center or Library**]
- J. Job printing or publishing
- K. Any combination of two or more uses listed in this subsection **§902: Special Exceptions** of this Article.



- L. Uses not listed in this Article that are determined by the Township Board of Commissioners to be of similar nature to the uses permitted by right listed in this subsection (**§902: Special Exceptions**).

**§903. Accessory Uses.**

Accessory uses are to be permitted on the same lot with and incidental to any of the aforementioned permitted uses.

Accessory uses may not exceed fifteen (15) feet in height, and shall only be erected in accordance with **Article XVI: Signs**.

**§904. Dimensional Standards**

- A. Lot area - Grocery stores and convenience stores without gasoline dispensing shall have a minimum lot size of 30,000 s.f. Grocery stores and convenience stores with gasoline dispensing shall have a minimum lot size of one acre. A car wash shall have a minimum lot size of 15,000 s.f.
- B. Lot width - There shall be a lot width of no less than 100 feet, to be measured at street.
- C. Build-to-Line - Any building or structure shall be constructed not less than 10 feet, and no more than 30 feet from the ultimate-right-of-way line.
- D. Side yard - There shall be two side yards, one on each side of a building; neither of which shall be less than 10 feet wide.
- E. Rear yard - There shall be a rear yard of no less than 15 feet.
- F. Building coverage - A maximum of 65% of any lot may be occupied by a building.
- G. Impervious surface - A maximum of 80% of any lot may be occupied by impervious surfaces.
- H. Building height - No building shall exceed a height of 35 feet, or three stories.
- I. Maximum Square Footage. No individual commercial (retail) use shall exceed 15,000 square feet in size. A shopping center may exceed 15,000 square feet only if it is part of a municipally-prepared and adopted master plan that has been reviewed and approved by a majority vote of the Regional Planning Commission.

**§905. Parking and Access**

In conjunction with **Article XV: Off-Street Parking and Loading** of this Zoning Ordinance, the following requirements shall apply to any parking areas provided in the CB District:

- A. No more than one row of pull-in, off-street parking shall be located between a primary building and street.
- B. Remainder of required parking shall be located at rear or side of building.
- C. Parking lots on adjacent tracts shall be interconnected consistent with the following:
  - 1. When the nearest edge of an existing parking area on an adjacent lot is within 35 feet of a common property line, the proposed parking area shall be directly connected by a driveway to the existing parking area, provided an easement granting access to the adjacent tract has been recorded.
  - 2. When interconnected parking is possible with two adjacent tracts only one interconnection will be required.
  - 3. If interconnected parking cannot be provided, the applicant shall provide parking in a way that maximizes the potential for shared access in the future.
- D. All tracts of land to be developed in the CB District shall be required to share driveway access with an adjacent property in the District wherever possible.
  - 1. If shared access cannot be provided, the applicant shall provide driveway access in a way that maximizes the potential for shared access in the future.
- E. If independent access is provided, there shall be no more than 24 feet of driveway access to any one street.

**§906. Landscaping**

- A. Street trees shall be placed along all public streets at a distance of 1 tree per 25 feet of linear street frontage.
- B. When a lot abuts a residential district, there shall be an additional 5 feet of yard space along the property line adjacent to the residential district which shall include an earthen berm of 2 feet and planted evergreen trees.
- C. A landscaped buffer of no less than 5 feet in depth shall be planted along the street frontage of a lot.
- D. The type of street trees and landscaping shall be determined by the engineer.

**§907. Service.**

Refuse and recycling collection receptacles and area shall be located at the rear of the property and shall be screened from view of any adjacent property with a wall or fence 6 feet in height.

**§908. Utility**

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

**ARTICLE X**  
**I - Industrial District**

**§1000. Declaration of Legislative Intent.** In expansion of the Declaration of Legislative Intent contained in **Article I, §102** of this Ordinance and the Community Development Objectives as contained in **Article I, §103** of this Ordinance, is hereby declared to be the intent of the I - Industrial District to provide for a variety of non-polluting and smaller scale industrial, research and development, and office facilities within the Township.

**§1001. Use Regulations.** The I-Industrial District shall permit the erection, construction, alteration or use of any one of the following specific uses and no other:

- A. Wholesale office or showroom
- B. Bank
- C. Laundry and dry cleaning plant
- D. Business or trade school
- E. Commercial greenhouse or nursery
- F. Parks or open space
- G. Printing or publishing shop
- H. Assembly and fabrication of iron, steel, and metal products.
- I. Metal processes, including all processes except those involved in the refining, smelting, alloying, and basic processing of iron or steel (other than precious and rare metals).
- J. Manufacture of building materials; alcoholic beverages; food products; stone, clay or ceramic products; heavy electrical equipment; machinery; machine tools; wood and paper products; large rubber products; tobacco and tobacco products; and plastic products.
- K. Textile manufacturing.
- L. Chemical and chemical products manufacture, not involving noxious odors or danger from fire (such as adhesives, bleaching products and dyestuffs).
- M. Canning.
- N. Wood and lumber, bulk processing.
- O. Governmental or public utility building or use, including storage yard, repair shop or similar use.
- P. Warehouse, office or storage, open or enclosed, excluding storage of explosives, petroleum or gas (except for Township use)
- Q. Any one individual use not specifically excluded which meets the provisions of **§1005 through §1020**, inclusive of this Article.
- R. Self-storage development, subject to the requirements of **§456: Self-Storage Development**.

**§1002. Special Exceptions.** The following additional uses, when authorized by the Zoning Hearing Board as a special exception, subject to the provisions of **Article XIX: Zoning Hearing Board** and **Article XXI: Conditional Uses and Special Exceptions**.

- A. Boarding house or rooming house [in accordance with **§406: Boarding House or Rooming House**].
- B. Chemical and chemical products manufacture/distributor/blender not permitted in the above section.
- C. Petroleum storage.
- D. Manufacture of glass and cement/concrete products (including central mix plant).
- E. Animal hospitals or kennels
- F. Automotive sales and mobile home sales and display
- G. Vehicle repair garages and heavy equipment sales and service, including truck and trailer maintenance
- H. Trucking Terminal
- I. Any use of the same general character as any of the above permitted uses, subject to such additional, reasonable safeguards as the Zoning Hearing Board may determine.
- J. Accessory uses on the same lot with and customarily incidental to any of the foregoing permitted uses [in accordance with **§401: Accessory Uses**] and signs when erected and maintained in accordance with the provisions of **Article XVI: Signs** of this Ordinance.

**§1003. Conditional Uses.**

- A. The following uses may be permitted by conditional use, provided that the conditional use criteria of **§1003.B**, below, and **Article XXI: Conditional Uses and Special Exceptions** are met.
  - 1. Business campus, and or multiple principal uses, by conditional use only, to include uses from the following list:
    - a. Warehouse

- b. Printing or publishing shops
- c. Research or testing laboratory
- d. Woodworking
- e. Light manufacturing
- f. Warehouse with an office
- g. Custom concrete manufacturer
2. Cellular and digital communications, antenna and antenna support structures.
3. Planned industrial park.
4. Nursing home (in accordance with **§439: Nursing Home**).
- B. Conditional uses criteria shall include the following, in addition to the specific requirements contained in the ordinance for each use:
  1. Gross square footage of space to be used for business interior/exterior
  2. Number of employees
  3. Number of parking spaces allocated
  4. Number of vehicles utilized for business and how vehicles are stored on site
  5. Hours of business operation
  6. Brief statement or outline of business operation procedure. In particular, this should address how clients are serviced, how merchandise is delivered/received, method of waste disposal, how materials are stored, and any licensing information/numbers.
  7. Estimate of truck traffic being generated, i.e., number of truck visits per day.
  8. Occupational Safety and Health Administration (OSHA) requirements applicable to business.
  9. Whether wastewater pretreatment is required and number of gallons per day of sewage required.
  10. Building renovations being made for tenants.
  11. Whether application was submitted to Department of Labor and Industry for approval of the building use.
  12. If application has not been made to Department of Labor and Industry for approval, explain the reasons why no application is needed.
  13. Provide a plot plan showing the leased areas and common areas such as restrooms, hallways, and parking areas.

**§1004. Prohibited Uses.** The following uses shall not be permitted:

1. Abattoir
2. Acetylene gas manufacturers and/or storage
3. Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphanous, carbolic);
4. Ammonia, bleaching powder or chlorine manufacture;
5. Ammunition manufacture and/or storage;
6. Arsenal;
7. Asphalt manufacture or refining;
8. Blast furnace;
9. Bone distillation;
10. Celluloid manufacture;
11. Cement, lime, gypsum or plaster of Paris manufacture;
12. Coal distillation;
13. Coke ovens;
14. Dead animal and offal reduction;
15. Distillation of bones, coal, petroleum, refuse grain or wood (except in the manufacture of gas);
16. Distillation of tar;
17. Explosives, fireworks and gunpowder manufacture or storage;
18. Fat rendering;
19. Fertilizer manufacture;
20. Forge plant;
21. Hog farm;
22. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animal or offal;
23. Junk yard
24. Leather Processing
25. Oilcloth or linoleum manufacture;
26. Ore reduction;

27. Petroleum or kerosene refining, distillation or derivation of by-products and/or storage;
28. Potash works;
29. Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as a necessary incident of manufacture of which these processes form a minor part, and which are carried on without objectionable noise outside the plant);
30. Recycling Center
31. Rolling mill;
32. Steel furnace, blooming or rolling mill;
33. Stock yards;
34. Tar distillation or manufacture;
35. Transfer station;
36. Wood or wood pulp processing.

**§1005. Smoke Control.**

- A. No smoke shall be emitted from any chimney or other source of visible gray greater than Number One on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
- B. Smoke of a shade not darker than Number Two on the Ringlemann Smoke Chart may be emitted for not more than 4 minutes in any 30 minutes.
- C. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

**§1006. Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases.**

- A. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.
- B. No emission of liquid or solid particles from any chimney or other point shall exceed 0.3 grains per cubic foot of the covering gas at any point.
- C. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

**§1007. Performance Standards.** Each use shall comply with **§447: Prohibited Uses and Performance Standards** of this Ordinance.

**§1008. Control of Odors.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter Five "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

**§1009. Control of Glare or Heat.** Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

**§1010. Control of Vibration.** No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

**§1011. Control of Radioactivity or Electrical Disturbances.** There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

**§1012. Outdoor Storage and Waste Disposal.** Each use shall comply with the outdoor storage standards set forth in **§441: Outdoor Storage Control**.

**§1013. Electric, Diesel, Gas or Other Power.** Every use requiring power shall be so operated that the service lines, sub-station, etc. shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc. to be an integral part of the architectural features of the plant, or if visible from abutting residential properties, approval of the Authority Board shall be required.

**§1014. Industrial Waste or Sewage.** No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by the sanitary engineers or other qualified persons employed by the Township at the expense of the owner of the premises. Where the sanitary sewers of the West Pottsgrove Township Municipal Authority are involved, approval of the Authority Board shall be required.

**§1015. Provisions and Use of Water.** All water requirements shall be stated in the application. Water shall be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional geologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.

**§1016. Area, Width, and Yard Regulations.**

- A. Lot Area and Width. No individual lot will be less than five (5) acres with a minimum width of 125 feet at the building line, unless otherwise provided for the particular use.
- B. Front Yard. The required minimum front yard shall be 75 feet in depth measured from the ultimate right-of-way line.
- C. Side Yards. There shall be two side yards each of which shall not be less than 40 feet in width, subject to the exceptions hereinafter set forth in **§1017: Exceptions for Side and Rear Yards**.
- D. Rear Yards. The required minimum depth of a rear yard shall be 40 feet, subject to the exceptions hereinafter set forth in **§1014: Industrial Waste or Sewage**, and except where a lot abuts railroad track.

**§1017. Exceptions for Side and Rear Yards.** In no case shall any building or structure be erected closer than 100 feet to any residential district, nor any parking area closer than 50 feet to any residential district. The first 25 feet from the property line shall be devoted to buffer areas to be maintained as green areas covered by well maintained lawns, evergreens and suitable tree and shrub plantings. A continuous row or rows of evergreen trees, of a minimum 12 feet tall at time of planting, shall be planted so the industrial property is effectively screened from the residential district property. The buffer shall be continuously maintained by the owner of the industrial property so dead branches and trash are promptly removed. Dead trees or shrubs shall be replaced.

**§1018. Height Restrictions.** The maximum height of any building or structure erected or enlarged in this District shall be 40 feet except that the height of any such other building or structures may be increased to a maximum of 60 feet or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, chimneys, stacks, radio antennae and transmission towers provided that for every foot of height in excess of 45 feet there shall be added to each requirement one foot.

**§1019. Parking, Loading and Sign Requirements.** Each use shall be subject to the off-street parking and loading and sign requirements of **Articles XV: Off-Street Parking and Loading, and XVI: Signs** of this Ordinance.

**§1020. Other Development Requirements.**

- A. Along each property line which directly abuts a Residential district in the Township or in an adjoining municipality, a buffer yard not less than 100 feet in width shall be provided. The 50 feet of such yard space nearest the district or Township boundary line shall be used as a planting strip on which shall be placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen.
- B. Each use shall be subject to the off-street parking and loading and sign requirements of **Articles XV: Off-Street Parking and Loading and XVI: Signs** of this Ordinance.
- C. Each use shall be subject to the outdoor storage standards set forth in **§441: Outdoor Storage Control** of this ordinance.

# **ARTICLE XI** **RR - Resource Recovery District**

**§1100. Declaration of Legislative Intent.** In expansion of the **Declaration of Legislative Intent** contained in **Article I, §102** of this Ordinance and the **Community Development Objectives** as contained in **Article I, §103** of this Ordinance, it is hereby declared to be the intent of the RR - Resource Recovery District to establish reasonable standards for solid waste storage, transfer, treatment, processing, and disposal, and energy and gas recovery within West Pottsgrove Township. Operational standards shall be governed by Act 97, the Pennsylvania Solid Waste Management Act, and by Chapter 75, Solid Waste Management Regulations of the Department of Environmental Resources together with the requirements promoting health and safety contained in this ordinance.

**§1101. Conditional Uses.** The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of **Article XXI: Conditional Uses and Special Exceptions**, any other applications provisions listed herein, and the approval of the Board of Commissioners.

- A. Sanitary landfills;
- B. Facilities for the storage, transfer, treatment, processing and/or disposal of solid waste;
- C. Recycling facilities for solid waste or for source separated recyclable materials;
- D. Methane gas plant;
- E. Public facilities owned or operated by the Township or its duly authorized agents or authorities.
- F. Parks or open space [in accordance with **§440: Open Space Regulations**].

**§1102. Development Regulations.** In the RR - Resource Recovery District the following area, width and setback regulations and other development requirements shall apply:

- A. Area, Width, Yard and Setback Regulations
  1. Lot Area. The minimum lot area per use shall be as follows:
    - a. Sanitary landfill: 10 acres.
    - b. Facilities for the storage, transfer, treatment or processing and/or disposal of solid waste: 5 acres.
    - c. Recycling facility for solid waste or for source separated recyclable material: 5 acres.
    - d. Methane gas plant: 2 acres.
  2. Lot Width. The minimum lot width where any building, structure or equipment are located shall be 500 feet.
  3. Building Setbacks. No building or structure shall be located closer than 150 feet from a lot line, or 200 feet from the ultimate right-of-way line of any adjacent public road, or 100 feet from the nearest point of another building or structure. Setback diagram attached hereto and made a part hereof and incorporated within this article.
  4. Height Regulation. No building shall exceed 80 feet in height subject to the provisions of **§425: Height Exception and Yard Restriction**.
- B. Other Development Regulations. Each use shall comply with the performance standards contained in **§447: Prohibited Uses and Performance Standards**, and the conditional use standards as set forth in **Article XXI: Conditional Uses and Special Exceptions** of this ordinance.
  1. Activity Setbacks. Any regulations of the PADEP which establish minimum setbacks between Resource Recovery activities and natural land features or physical structures shall be followed in addition to those requirements set forth in this ordinance.
  2. Impervious Coverage. No more than 40 percent of a lot's area shall be covered by impervious surfaces, such as buildings, roads, parking areas, etc. (exclusive of existing rights-of-way of public roads).

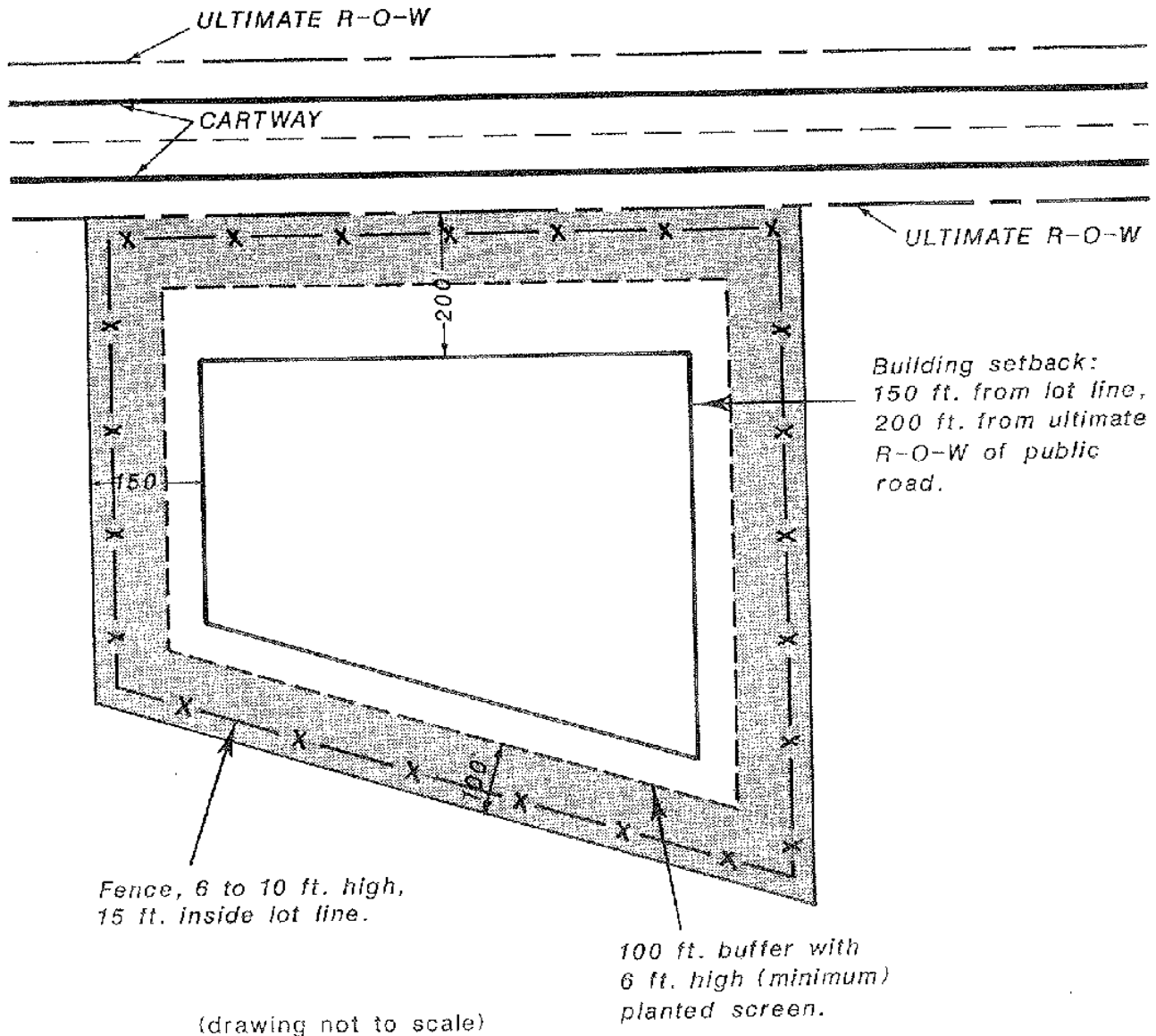
**§1103. Accessory Uses.** Accessory uses on the same lot and customarily incidental to the permitted uses are permitted by right. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them:

- A. Accessory buildings such as garages and ancillary buildings related to the proposed use and meeting the same setback requirements as the principal buildings.
- B. Off-street parking and loading areas in accordance with **Article XV: Off-Street Parking and Loading**.
- C. Signs in accordance with **Article XVI: Signs**.
- D. Temporary structures or uses as outlined in **§304.A.3. (Classification of Uses: Temporary Structures)**.
- E. Outdoor storage areas for equipment, supplies and materials, provided they are screened from the view of adjacent properties and streets, and in accordance with **§441: Outdoor Storage Control**.

**§1104. Prohibitive Uses.**

- A. Facilities for the storage, handling, transfer, treatment, processing and/or disposal or solid waste or recyclable materials shall in no case involve or comprise any of the following uses or any use substantially similar thereto:
1. Temporary landfilling in any form.
  2. Storage, burning, treatment, transfer, disposal or processing of chemicals. The storage of chemicals used in the operation of the permitted facilities shall be allowed.
  3. Storage, burning, treatment, transfer, disposal or processing of hazardous waste.
  4. Storage, burning, treatment, transfer, disposal or processing of hospital infectious waste.
  5. Storage, burning, treatment, transfer, disposal or processing of any radioactive waste.
  6. Long term storage of by product, recycled materials reclaimed materials from any process.

**ILLUSTRATION: SETBACKS FOR RR-RESOURCE RECOVERY DISTRICT**



## ARTICLE XII

### RR-1 - Resource Recovery and Recycling District

**§1200. Declaration of Legislative Intent.** In expansion of the **Declaration of Legislative Intent** contained in **Article I, §102** of this Ordinance and the **Community Development Objectives** as contained in **Article I, §103** of this Ordinance, it is hereby declared to be the intent of the RR-1 Resource Recovery District to establish reasonable standards for the development and operation of recycling facilities and resource recovery facilities within West Pottsgrove Township. Operational standards shall be governed by Act 101, the Pennsylvania Municipal Waste Planning Recycling and Waste Reduction Act; Act 97, the Pennsylvania Solid Waste Management Act, and by Chapter 75, Solid Waste Management Regulations of PADEP, together with the requirements promoting health and safety contained in this ordinance, and any other applicable agreements.

**§1201. Conditional Uses.** The following conditional use and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of **Article XXI: Conditional Uses and Special Exceptions**, any other applications provisions listed herein, and the approval of the Board of Commissioners.

- A. Recycling facilities for solid waste or for source separated recyclable materials.
- B. Resource Recovery facility.
- C. Public facilities owned or operated by the Township or its duly authorized agents or authorities.
- D. Parks or Open Space [in accordance with **§440: Open Space Regulations**]

**§1202. Development Regulations.** In the RR-1 Resource Recovery and Recycling District the following area, width and setback regulations and other development requirements shall apply (excluding public uses):

- A. Area, Width, Yard and Setback Regulations.
  - 1. Lot Area. The minimum lot area per use shall be as follows:
    - a. Recycling facilities for solid waste or for source separated recyclable materials: 5 acres.
    - b. Resource Recovery Facility: 20 acres.
    - c. Recycling and Resource Recovery Facility on the same lot: 25 acres.
  - 2. Lot Width. The minimum lot width where any building, structure or equipment are located shall be 500 feet.
  - 3. Building Setbacks.
    - a. No building or structure shall be located closer than 150 feet from a lot line, except where the lot line also forms the boundary of the adjacent Resource Recovery District (RR District). In such cases, the setback shall be reduced to 50 feet.
    - b. No building or other structure shall be located closer than 150 feet from the ultimate right-of-way line of any public road. Provided that scales and a scale house used for the purpose of weighing incoming and outgoing vehicles to a recycling and/or a resource recover facility, may be exempted from this setback requirement by the Board of Commissioners of West Pottsgrove Township.
    - c. With the exception of buildings or structures which are demonstrated to form a critical part (as opposed to being related to the principal use) of the integrated plant of a resource recovery or recycling facility, no building or other structure shall be located within 100 feet from the nearest point of another building or structure.
    - d. A typical setback diagram for this district is attached hereto and made a part hereof and incorporated within this section
  - 4. Height Regulations. No building shall exceed 70 feet in height subject to the provisions of **Article IV: General Regulations, §425: Height Exception and Yard Restriction.**
- B. Other Development Regulations. Each use shall comply with the performance standards contained in **§447: Prohibited Uses and Performance Standards**, and the conditional use standards as set forth in **Article XXI: Conditional Uses and Special Exceptions** of this ordinance.
  - 1. Activity Setbacks. Any regulations of the PADEP which establish minimum setbacks between resource recovery activities and natural land features or physical structures shall be followed in addition to those requirements set forth in this ordinance.
  - 2. Impervious Coverage. No more than 40 percent of a lot's area shall be covered by impervious surfaces, such as buildings, roads, parking areas, etc. (exclusive of existing rights-of-way of public roads).

**§1203. Accessory Uses.** Accessory uses on the same lot and customarily incidental to the permitted uses are permitted by right. The term "accessory use" may include the following uses which shall comply with all applicable provisions stated for them:

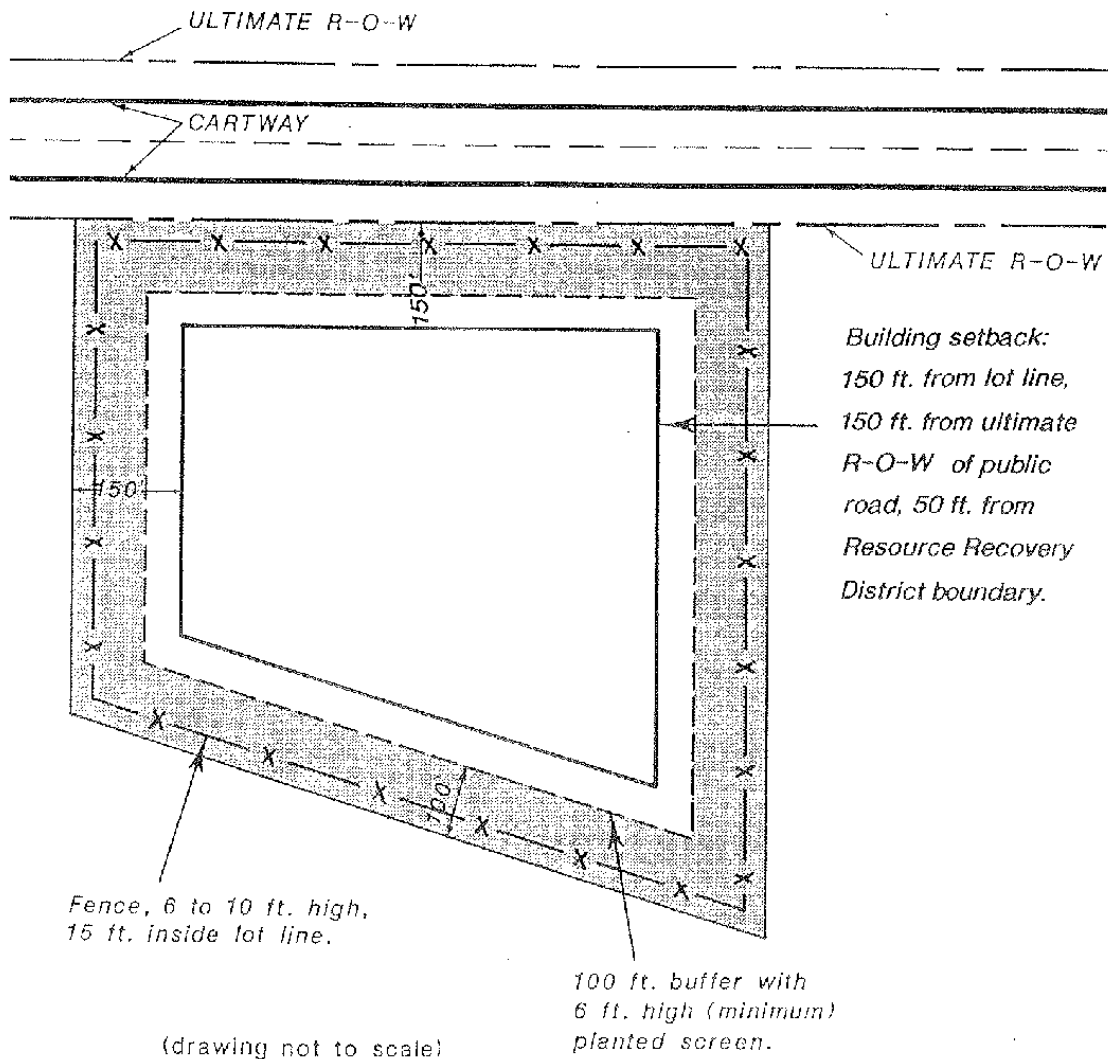


- A. Accessory buildings such as garages and ancillary buildings related to the proposed use and meeting the same setback requirements as principal buildings, provided such garages and ancillary buildings may not be used for parking, storage or repair of waste collection vehicles.
- B. Off-street parking and loading areas in accordance with **Article XV: Off-Street Parking and Loading**.
- C. Signs in accordance with **Article XVI: Signs**.
- D. Temporary structures or uses as outlined in **§304.1(c) (Classification of Uses: Temporary Uses)**.
- E. Outdoor storage use areas for equipment, supplies and materials provided they are screened from the view of adjacent properties and streets, and provided further that incinerator ash or residue or bypass waste shall not be stored except in covered containers and such continuous storage shall not exceed 72 hours. In addition, outdoor storage shall be subject to the outdoor storage control provisions set forth in **§441: Outdoor Storage Control** of this ordinance.
- F. An existing residential structure may upon application to and approval of the Board of Commissioners of West Pottsgrove Township be used exclusively as a plant caretaker's or plant manager's residence and for no other purpose.

**§1204. Prohibited Uses.**

- A. Facilities for the storage, handling, transfer, treatment, processing and/or disposal of solid waste or recyclable materials shall in no case involve or comprise any of the following uses or any use substantially similar thereto:
  - 1. Landfilling in any form.
  - 2. Storage, burning, treatment, transfer, disposal or processing of chemicals. The storage of chemicals used in the operation of the permitted facilities shall be allowed.
  - 3. Storage, burning, treatment, transfer, disposal or processing of hazardous waste.
  - 4. Storage, burning, treatment, transfer, disposal or processing of hospital infectious waste.
  - 5. Storage, burning, treatment, transfer, disposal or processing of any radioactive waste.
  - 6. Long term storage of byproducts, recycled materials or reclaimed materials from any process.
  - 7. Compost processing.
  - 8. Operation of waste transfer station.
  - 9. Long term storage of ash, ash residue, bypass waste or emission control waste.

**ILLUSTRATION: SETBACKS FOR RR-1-RESOURCE RECOVERY  
AND RECYCLING DISTRICT**



**ARTICLE XIII**  
**FP-Flood Plain Conservation District; Additional Environmental Protection Measures**

**§1300. Declaration of Legislative Intent.** In expansion of the Declaration of Legislative Intent found in **Article I, Section 102** and the **Statement of Community Development Objectives found in Article I, Section 103** of this ordinance, the specific intent of this Article shall be to prevent excessive and unusual development in areas deemed undesirable for development due to inherent natural drainage conditions and topographical features.

- A. Those areas considered undesirable are those floodplain lands subject to flooding as defined and established in **§1301 (Boundaries of the Flood Plain Conservation District)**.
- B. These floodplain lands are considered those where the following conditions are normally true.
  - 1. Inhabitants are mostly likely to incur danger to safety, health and welfare due to flooding conditions beyond the individual property owner or tenants' control or reasonable knowledge.
  - 2. Development by individuals is more likely to measurably alter existing drainage and water courses such that neighbors upstream and downstream are affected unwittingly and unwillingly.
  - 3. Collective unregulated actions of many individuals are more likely to endanger the public health, particularly as related to water supply and drainage.

**§1301. Boundaries of the Flood Plain Conservation District.** The Flood Plain Conservation District is defined and established to include the following:

- A. Those areas subject to inundation by the waters of the 100-year flood as delineated in the Flood Insurance Study for the Township of West Pottsgrove, Montgomery County, Pennsylvania, as prepared by the Federal Insurance Administration, dated December 19, 1966 or the most recent revisions thereof. Said areas shall be comprised of three sub-districts:
  - 1. Floodway (FW). Those portions of the Flood Plain Conservation District required to carry and discharge the waters of the 100-year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above. Within any designated floodway areas, no construction, development, use, fences, activity or encroachment of any kind shall be allowed except where the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.
  - 2. Floodway Fringe (FF). Those portions of land within the Flood Plain Conservation District subject to inundation by the 100-year flood, lying beyond the floodway in areas where detailed study data and profiles are available.
  - 3. Approximated Floodplain (FA). Those portions of land within the Flood Plain Conservation District subject to inundation by the 100-year flood, where a detailed study has not been performed, but where a 100-year floodplain boundary has been approximated. When available, information from other federal, Commonwealth, local or other acceptable sources shall be used to determine the 100-year flood elevation, as well as a floodway area. When no other information is available, the 100-year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest to the construction site in question. No fences shall be constructed within the floodplain.
- B. The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as alluvial soils or local alluvium by the Soil Conservation Service, United States Department of Agriculture, in the Soil Survey of Montgomery County, wherever said area is more extensive than those defined in **§1301 (Boundaries of the Floodplain Conservation District)**, above.
- C. Studies used to establish the boundaries shall be available in the Township Municipal Building for reference.
- D. The Flood Plain Conservation District, defined above, shall be shown on the Zoning Map and designated as the municipality's Flood Plain Conservation District Map and shall be available to the public in the municipal office.

**§1302. Overlay Concept.** The Flood Plain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

- A. Should the Flood Plain Conservation District be declared inapplicable to allowable legislative or administrative actions or judicial direction, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this Article.

**§1303. Uses Permitted in a Flood Plain Conservation District.** The following uses and no other shall be permitted in the Flood Plain Conservation District.

- A. Cultivation and harvesting crops according to recognized soil conservation practices.
- B. Pasture and grazing of animals according to recognized soil conservation practices.

- C. Outdoor plant nursery or orchard according to recognized soil conservation practices.
- D. Wildlife sanctuary, woodland preserve or arboretum.
- E. Game farms, fish hatchery, or hunting and fishing reserve for the protection of propagation of wildlife, but permitting no structure.
- F. Forestry, lumbering and reforestation according to recognized natural resources conservation practices.
- G. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems.
- H. Normal accessory uses (excepting enclosed structures) permitted under the usual zoning in residential districts.

**§1304. Conditional Uses.** The following uses shall be permitted by conditional use:

- A. Commercial recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses or fishing areas not to include enclosed structures excepting toilet facilities but permitting piers, docks, floats or shelters usually found in development outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.
- B. Outlet installations for sewage treatment plants, sewage pumping stations, with the approval of the Township Engineer and appropriate sewer authorities.
- C. Sealed public water supply wells with the approval of the Township Engineer.
- D. Dams, culverts and bridges with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania, Department of Forests and Waters, Power and Resources Board.
- E. Sanitary or storm sewers, impoundment basins, with the approval of the Township Engineer.
- F. Roads and driveways.
- G. Grading and regrading of lands, including the deposit of topsoil and the grading thereof, and the construction of retaining walls. The application for a zoning change shall be accompanied by the following:
  - 1. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.
  - 2. An application for amending the boundaries of the Flood Plain Conservation District.
- H. Similar uses to the above which are in compliance with the intent of this ordinance.

**§1305. Conditional Use Criteria.** The Board of Township Commissioners shall exercise discretion in allowing only those uses which are substantially in accord with the stated objective of this ordinance. In addition to the criteria for Conditional Uses listed in **§2100: Conditional Uses and Special Exceptions**, the Board shall consider the following:

- A. In considering a conditional use application, the Board of Township Commissioners shall consider the following:
  - 1. The effect of the use shall not substantially alter the cross-sectional profile of the streams and floodplains at the location of the proposed use.
  - 2. Adjacent stream neighbors shall not be unreasonably affected by the proposed use.
  - 3. The general welfare or public interest either of the municipality in which the use is located or of other municipalities in the same watershed shall not be adversely affected.
- B. In consideration of any conditional use, the Board of Township Commissioners shall utilize the following standards:
  - 1. No development or use shall be permitted within any designated Floodway (FW) District that would cause any increase in the 100-year flood.
  - 2. Any structure permitted by a zoning change shall include flood proofing measures according to the following criteria:
    - a. All structures shall be:
      - i. Firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement; and
      - ii. Constructed so as to prevent the entrance of flood waters into water supply and waste treatment systems as well as into other utility and facility systems.
    - b. All waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the flood waters.
    - c. All new construction shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation. A record of the lowest floor elevation shall be maintained by the Township.
    - d. All other uses shall be so constructed that the finished elevation of the improvement will conform to Paragraph 3 above.
    - e. Space below the lowest floor:
      - i. Fully enclosed space below the lowest floor (including basement) is prohibited.
      - ii. Partially enclosed space below the lowest flood (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall

be designed and constructed to allow for the automatic entry and exit of floodwater for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

**§1306. Application Procedure.** An application for a building permit shall be filed with the Zoning Officer who shall make an initial determination on the application.

- A. For a use other than those permitted in **§1303 (Uses Permitted in a Flood Plain Protection District)**, an application seeking approval of a zoning change shall be forwarded to the Board of Township Commissioners along with required studies or information and the findings of the Zoning Officer.
- B. Within the Flood Plain Conservation District, a building permit shall be required for all construction and development which includes but is not limited to paving, filling, grading, excavation, mining, dredging, drilling operations and the storage of material or equipment. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include documentation or other information evidencing compliance with all applicable state and federal laws.
- C. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by the action have been notified by the Township and until all required permits or approvals have been first obtained by the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

**§1307. Conditional Use Process.** All applications for approval of conditional uses in the Floodplain Conservation District shall be considered using standards listed in **§1305** of this section (**Conditional Use Criteria**), adhering to the process described below:

- A. The Board of Township Commissioners shall hold a public hearing after an application is filed. Public notice of the hearing shall be given in accordance with requirements of the Municipalities Planning Code.
- B. The Board of Township Commissioners shall request the review and recommendations of the Soil Conservation Service, at least 30 days prior to the public hearing.
- C. The Board of Township Commissioners shall request, at least 30 days prior to a public hearing, the review and recommendations of the local planning commission.
- D. The Board of Township Commissioners shall request, at least 30 days prior to a public hearing, the review and recommendations of technical agencies, the Montgomery County Planning Commission or other planning commissions to assist in determining the impact of the proposed use.
- E. The Board of Township Commissioners shall render a decision within 90 days after the public hearing.
- F. In rendering a decision, the Board of Township Commissioners may impose special measures or conditions as deemed reasonably necessary and appropriate for the use to conform to the intent of the ordinance.

**§1308. Boundary Disputes and Appeals Procedure.** Should a dispute concerning the boundaries arise, an initial determination shall be made by the Zoning Officer.

- A. Any party aggrieved by this decision, claiming the criteria used for delineating the boundary, in **§1301 (Boundaries of the Flood Plain Conservation District)**, is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board as provided in **§1901 (Zoning Hearing Board: Powers and Duties)** of this ordinance. All boundary changes determined either by the Zoning Officer or by the Zoning Hearing Board are subject to the review and approval of the Federal Insurance Administrator.
- B. The burden of proof shall be on the appellant.
- C. All changes approved in boundaries shall be made on the Flood Plain Conservation District Map (the Zoning Map).

**§1309. Nonconforming Uses.** An existing use or structure which automatically becomes nonconforming due to the enactment of this ordinance, may be considered for approval by a zoning change to become a conforming use under the standards as listed in **§1305** of this section (**Conditional Use Criteria**).

- A. If any nonconforming use is discontinued or an existing nonconforming structure remains vacant for a period of one year, the property and structure may only be used thereafter in accordance with this Article.
- B. A nonconforming use or structure may expand by a zoning change of the Board of Township Commissioners and in conformance with this ordinance. A nonconforming use or structure may not be result after a flood, fire or similar catastrophe if destruction is greater than 75 percent of the structure's market value. Where destruction is less than 75 percent of its market value, the structure may be rebuilt without a zoning change. Any structure that is rebuilt shall have the lowest floor (including basement) elevated to one foot above the 100-year flood elevation. A record of the lowest floor elevation shall be maintained by the Township.
- C. A property owner of a lot or record, as of the date of the enactment of this ordinance, who is able to prove that the strict enforcement of this ordinance would create undue hardship for a reasonable use of this existing lot which is either wholly or partially in the Flood Plain Conservation District, may seek a zoning change to become a nonconforming use.
- D. The Zoning Officer shall prepare and maintain a record of all nonconforming uses and structures in this district and shall indicate these as such on a map of the Township as set forth in **§1703: Nonconforming Buildings, Structures, Uses and Lots (Mapping and Recording of Nonconforming Uses)** of this ordinance.

**§1310. Municipal Liability.** The grant of a zoning permit or approval of a subdivision plan in the Flood Plain Conservation District shall not constitute a representation, guarantee or warranty of any kind by the municipality, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the municipality, its officials or employees.

**§1311. Additional Information.** If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Township officials without a business interest in such matters, in order to protect proprietary information.

**§1312. Wetlands Review.**

- A. If the Zoning Officer, based upon review by the Township Engineer or the County Conservation District or DEP or the Fish and Wildlife Service or the Army Corps of Engineers, has no reason to believe that a portion of a site proposed to be altered may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.
- B. All permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for non-compliance with the regulations.

**§1313. Setbacks from Creeks.**

- A. Purpose. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use.
- B. Setbacks From Creeks. No new principal building or new off-street parking for more than two vehicles or new commercial or industrial storage area shall be located within 75 feet of the center of the waterway of the Schuylkill River. See the Township floodplain map in case such map regulates a wider area.
- C. Exceptions. The setbacks of this Section shall not apply to public utility facilities, publicly-owned recreational facilities, expansions of existing buildings or the placement of accessory structures.
- D. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this Section undisturbed, except at approved waterway crossings.

**§1314. Threats to Water Quality.**

- A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.

- B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a berm that would drain any spilled substance to an engineered collection area, or other method approved in writing by the Township Board or DEP.
- C. All hazardous substances shall be properly labeled, and shall be in compliance with the PA Worker and Community Right to Know Act.

**§1315. Erosion Control, Drainage, Fillage, Excavation, and Grading.**

- A. Grading and Erosion Plans. In advance of any earth disturbance (including grading, filling and excavation), other than crop farming, an appropriate sedimentation and erosion control and grading plans shall be submitted to the Zoning Officer if such work:
  - 1. Involves an area greater than 0.5 acre,
  - 2. Will create finished slopes greater than 3:1, or
  - 3. Involve alteration of areas with a natural slope in excess of 15 percent.These plans may be subject to reviews by the Township Engineer and the County Conservation District.
- B. Erosion. Earth moving activities and the stripping of vegetation shall be held to a reasonable minimum to avoid erosion. All Township permits are granted on the condition that State erosion and sedimentation regulations and any submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.
- C. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building and away from on-lot septic fields. Adequate stormwater control shall be used to protect buildings on the subject lot and all adjoining property. This shall include, but not be limited to, measures to prevent high-velocity, concentrated runoff from damaging other property and causing erosion.
- D. Grading shall not be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
- E. Fill. Materials used for fill as a future base for construction shall be non biodegradable, well compacted and provide a suitable and secure base.
- F. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.
- G. Stripping of Topsoil. Sufficient top soil to grow grass and similar vegetation shall remain on all land, except for areas approved to be paved.

## ARTICLE XIV Airport Hazard Area

### §1400. Declaration of Legislative Intent

- A. The intent of this district is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Pottstown Municipal Airport (PMA).
- B. It hereby is found that an obstruction has the potential for endangering the occupants of land in their vicinities; that an obstruction may affect existing approach minimums of Pottstown Municipal Airport and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Pottstown Municipal Airport and public investment therein. Accordingly, it is declared:
  1. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Pottstown Municipal Airport.
  2. It is necessary, in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
  3. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- C. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the making and lighting of obstructions are public purposes for which a political subdivision may raise and expend public monies and acquire land or interests in land.

**§1401. District Delineation.** The AHA (Airport Hazard Area) overlay shall include the approach zones to the PMA, beginning at the end of the existing runway, at a width of 75' and extending for a distance of 1,000' from the end of the existing runway to a width of 450', the existing runway length being 2,700'.

**§1402. Definitions.** The following words and phrases when used in this article shall have the meaning given to them in this section unless the context indicates otherwise:

*Aircraft.* A contrivance, except an unpowered hang-glider or parachute, used for manned ascent into or flight through the air.

*Airport.* Pottstown Municipal Airport. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft. As used herein, the term *airport* includes public airports, but excludes private airports and heliports. Public and private airports are defined separately in this section.

*Airport Elevation.* The highest point of an airport's usable landing area measured in feet above sea level. For PMA, the airport elevation is 256' above sea level.

*Airport Hazard.* Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or take-off of aircraft.

*Airport Hazard Area.* Any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

*Approach Surface.* A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface at a slope of 20:1.

*Obstruction.* Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in §1403 (Airport Surface Zone Height Limitation) of this article.

*Primary Surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200' beyond each end of that runway.

*Private Airport.* An airport which is privately owned and which is not open to or intended to be open to the public.

*Public Airport.* An airport which is either publically or privately owned and which is open to the public.

*Runway.* A defined area on an airport prepared for landing and takeoff of aircraft along its length.



*Structure.* An object, including a mobile object, constructed or installed by man including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

*Tree.* A perennial woody plant having a main trunk and usually a distinct crown.

*Utility Runway.* A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

*Visual Runway.* A runway intended solely for operation of aircraft using visual approach procedures.

**§1403. Airport Surface Zone Height Limitation.** Except as otherwise noted in this article, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in the airport hazard area as defined in **§1401 (District Delineation)** of this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

- A. *Airport Hazard Zone.* No structure or tree shall exceed a height within the limits of the Airport Hazard Area as defined in **§1401 (District Delineation)** which would interfere with the approach surface for the existing runway.
- B. *Horizontal Surface Zone.* Established at 150' above the established airport elevation or a height of 406' above mean sea level for the PMA.
- C. *Excepted Height Limitations.* Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to the maximum height permitted by this chapter for the principal use. The Board of Commissioners may grant additional height as allowed by the applicable zoning district after consideration of the Airport Hazard Area.

**§1404. Use Restrictions.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this article in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- B. Make it difficult for pilots to distinguish between airport lights and other;
- C. Result in glare in the eyes of pilots using the airport;
- D. Impair visibility in the vicinity of the airport;
- E. Create bird strike hazards; or
- F. Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering or aircraft intending to use the airport.

**§1405. Nonconforming Uses.**

- A. *Regulations not Retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article or otherwise interfere with the continuance of any nonconforming use, except as provided in **§1406 (Permits and Variances)**. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently executed.
- B. *Marking and Lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the respective airports.

**§1406. Permits and Variances.**

- A. *Future Uses.* Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with **§1406.B. (Variance)**
  - 1. In the areas lying within the limits of the airport Hazard Area, no permit shall be required for any tree or structure less than 75' of the vertical height above the ground except when, because of terrain, land contour or topographic feature, such tree or structure would extend above the height limits prescribed for

such zones.

2. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this article., except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of any existing structure.

**B. Variance.**

1. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his or her property in violation of these airport zoning regulations, may apply to the Zoning Hearing Board for a variance from the zoning regulation in question. A variance may be allowed where a literal application for enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and would be in accordance with the spirit of the regulations and of this article. Variances may be granted subject to any reasonable conditions and the Zoning Hearing Board may deem necessary to effectuate the purpose of this article.
2. The application for a variance shall be accomplished by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigational airspace. Additionally, no application for variance to the requirements of this article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or persona of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the zoning Hearing Board may act without such input to grant or deny such application.
3. *Hazard Marking and Lighting.* In granting any permit or variance under this section, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this article and reasonable under the circumstances, so condition the permit of variance as to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense or require the person or persons requesting the permit or variance to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

**§1407. Conflicting Regulations.** In the event of conflict between any airport zoning regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees and the use of land or any other matter, and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitations or requirement shall govern and prevail.

## Article XV Off-Street Parking and Loading

**§1500. Required Off-Street Parking Facilities.** Any building or other structure erected, altered or used, and any lot used or occupied for any of the following purposes, shall be provided with minimum off-street parking spaces as set forth below, together with adequate passageways, driveways or other means of circulation and access to and from a street, alley or way.

**§1501. Dwellings.**

- A. For single-family detached homes, two all-weather paved (pervious paving is acceptable as approved by the Township Engineer) parking spaces per dwelling on the lot therewith.
- B. For two-family homes, two paved parking spaces per dwelling unit on the lot therewith.
- C. For townhouses and garden apartments, two paved parking spaces per dwelling unit, subject to the parking provisions of the pertinent articles of this ordinance as specified herein.
- D. For a rooming or boarding house, two paved parking spaces plus one additional parking space for each room for rent, on the same lot therewith or on land adjacent thereto.

**§1502. Other Uses.** Off-street parking space, with proper access from a street or alley, shall be provided in the amounts indicated below, on or near any lot on which the following types of uses are hereafter established. Nothing in this subsection shall be construed to prevent the establishment of joint parking facilities for two or more uses.

- A. For any of the following primary uses, the required parking spaces shall be paved (pervious paving is acceptable) and shall be located on the same lot therewith:
  - 1. Place of Worship, School, Public Auditorium, Assembly or Meeting Room, or Similar Place of Public or Private Assembly. One space for each four seats or stacked chairs available for assembly.
  - 2. Stadium. One space for every four seats.
  - 3. Hospital. One space for every four beds, plus one space for every employee on the largest work shift.
  - 4. Community Center, Library, Museum or other Similar Place. One space for every 800 square feet of floor area in public use.
  - 5. Institutional Home. One space for every ten occupants, plus one space for each employee on the largest work shift.
  - 6. Private Club, Lodge, or Fraternal Organization. One space for each employee on the largest work shift, plus one space for each 150 square feet of gross floor area in public use.
- B. For any of the following primary uses, the required parking space shall be all-weather and shall be paved, and such parking spaces shall be located on the same lot therewith, except as provided in **§1504 (Reduction of Requirements by Special Exception)** below.
  - 1. Retail Store or Shop. One space for each 200 square feet of gross floor area.
  - 2. Department Store or Supermarket. One space for each 200 square feet of gross floor area.
  - 3. Indoor Theater. One space for every four seats, plus one space for each employee on the largest work shift.
  - 4. Bowling Alley or Similar Recreational Establishment. One space for each four seats plus one space for each employee on the largest work shift.
  - 5. Hotel, Motel or Tourist Home. One and one-half spaces for each rental unit.
  - 6. Bed and Breakfast. 1.5 spaces for each rental room, in addition to the off-street parking spaces required for the dwelling unit. If more than four parking spaces are provided within 25 feet of an adjacent dwelling, the spaces shall be separated from the dwelling by plant screening that primarily includes evergreens and that meets the approval of the Zoning Officer.
  - 7. Office Building. One space for each 250 square feet of gross floor area.
  - 8. Restaurant, Café or Tea Room. One space for each four seats provided, plus one space for each employee on the largest work shift.
  - 9. Laboratory, Industrial Establishments or other Commercial Building. One space for each employee on the largest work shift, plus an additional 10 percent, which additional amount shall not be less than two additional spaces. Additional parking areas as determined by **§1503 (Parking Reserve Areas)** below shall also be constructed.
  - 10. Open Areas used for Commercial Purposes. Number of spaces to be determined by the use as set forth above to which the ground is devoted.

**§1503. Parking Reserve Areas.** The total number of parking spaces required by this Article and as described in **§1501 (Dwellings)** and **§1502 (Other Uses)** above shall be clearly set forth and labeled as such on the development, subdivision

or other plan required to be filed by the landowner or developer with the Township before the issuance of a building and/or use and occupancy permit. However, the number of spaces required to be constructed by this ordinance may be reduced and the land area equal to the reduction shall be denoted, "Parking Reserve Area." Said reduction may be accomplished only upon full compliance with each of the following conditions:

- A. The landowner or developer shall certify that the parking needs for the use to which the lot or property is to be devoted are less than those required by the terms of the ordinance.
- B. The Township Engineer shall concur with and approve the certification that a lesser number of parking spaces is sufficient.
- C. The Parking Reserve Area created by such reduction shall be clearly set forth and labeled as such on the development, subdivision or other plan required to be filed with the Township.
- D. The Parking Reserve Area so created shall be utilized as open space and shall be maintained by the owner or owners of the proposed development.
- E. The Parking Reserve Area shall be converted to parking area at such time when the landowner or developer further certifies that the need to use such reserve area for parking has arisen or when the Township Engineer, upon review and inspection of the premises in question, certifies to such fact. Such reserve area shall be paved pursuant to the applicable ordinance and regulations immediately after such certification and shall be completed within the time set forth by the Township.

**§1504. Reduction of Requirements by Special Exception.** The parking spaces required herein may be located elsewhere than on the same lot when authorized as a special exception, subject to the following conditions:

- A. That the owners of two or more establishments shall submit, with their application for special exception, a site plan showing joint use and location of a common off-street parking area;
- B. That some portion of the common off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served thereby; and
- C. That the Zoning Hearing Board may, in its discretion, reduce the required aggregate amount of required space upon determination that greater efficiency is effected by joint use of an off-street parking area to total sales floor area be reduced less than 25 percent.

**§1505. Design Requirements for Industrial and Commercial Parking Lots.** All parking lots in industrial or commercial districts shall be operated and maintained in accordance with all of the following conditions:

- A. They shall not be used for the sale, repair or dismantling of any vehicles, equipment, materials or supplies;
- B. They shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, asphalt, oil or any dust-free surfacing and maintained in good condition, free of weeds, dust, trash or debris;
- C. They shall be provided with entrances and exits so located as to minimize traffic congestion and the effect of headlight glare;
- D. They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the parking lot;
- E. Lighting facilities shall be so arranged that they neither unreasonably nor unnecessarily disturb occupants of adjacent residential properties nor interfere with traffic by either location or glare;
- F. A planting strip shall be provided along each property line which is opposite or adjacent to a residential district, on which shall be planted hedge, evergreens, or other suitable shrubbery, so arranged as to minimize noise, glare and dust from all parking facilities;
- G. There shall be no more than one attendant shelter building containing not more than 50 feet of gross floor area and set in a distance of not less than 20 feet from any boundary of the parking lot which abuts a residential district.

**§1506. Reduction of Facilities.** Off-street parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than required hereunder for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance.

**§1507. Loading and Unloading Space.** At least one permanently maintained off-street loading and unloading space shall be provided for each lot on which a commercial or manufacturing use is hereafter established, provided that (1) this requirement shall not be mandatory for uses which have a total floor area of 3,000 square feet or less, and (2) this requirement may be waived when authorized as a special exception by the Zoning Hearing Board in any case where the unreasonableness of this regulation is clearly demonstrated.

**ARTICLE XVI**  
**Signs**

**1600. Applicability**

- A. Purposes. This Article is intended to:
  - 1. Promote and maintain overall community beautification;
  - 2. Establish reasonable time, place, and manner regulations on the exercise of free speech without regulating content
  - 3. Promote traffic safety by avoiding distractions and sight distance obstructions
  - 4. Protect property values and ensure compatibility with the neighboring existing and planned land uses
  - 5. Assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.
  - 6. Permit signage which provides adequate identification and direction while minimizing clutter, unsightliness and confusion.
- B. Permit Required.
  - 1. A permit under this Zoning Ordinance shall be required for all signs except for: a) signs meeting the requirements of **§1605 (Abandoned or Outdated Signs)**, and b) window signs that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Zoning Ordinance within the applicable District shall be allowed. Any sign that is moved to another location either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith.
  - 2. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this section, “maintenance” shall include any repainting of a sign that does not otherwise change its message or appearance.
  - 3. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information where relevant:
    - a. Names, address, telephone number and signature of the owner or duly authorized agent for the property owner.
    - b. Name, address, telephone number and signature of the owner of the sign.
    - c. Name, address, and telephone number of the sign contractor.
    - d. Property address and applicable zoning district.
    - e. Two copies of a plan drawn to scale depicting:
      - i. Lot dimensions, building and street frontage, and existing cartways, rights-of-way and driveways.
      - ii. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme, and proposed location.
      - iii. Sign message.
      - iv. Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage.
      - v. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
      - vi. Such other information as may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Township.
- C. Changes to Signs. Lawfully existing signs may be painted, repaired without a new permit under this Zoning Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Zoning Ordinance.

**1601. Sign Definitions.** The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

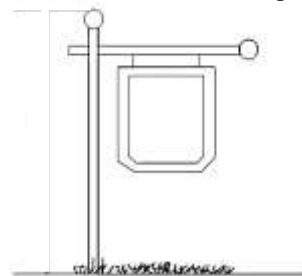
- A. Abandoned Sign- A sign which no longer identifies or advertises an existing business, service, owner, product, or activity, and/or for which no legal owner can be found.
- B. Animated Signs- Signs having motion, flashing, twinkling, color changes, streaming video, or cartoons requiring electrical power; but not including wind-actuated elements such as banners, flags, or specialty items.
- C. Awning Sign—Any sign painted on or applied to a fabric, plastic, metal, or other roof-like covering that projects from a wall for the purpose of shielding a doorway or window from the elements. Awnings are either permanently

- D. attached to a building or can be raised or retracted to a position against the building when not in use.



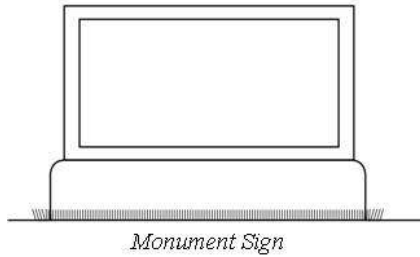
*Awning Sign*

- E. Banner—Any cloth, bunting, plastic, paper or similar nonrigid material used for business or event advertising purposes, and attached to any structure, staff, pole, rope, wire, or framing. Banners may or may not include text, logos and/or graphic symbols. Banner signs are secured or mounted so as to allow motion by the atmosphere.
- F. Billboard—A billboard directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause or public issue and which may be either freestanding or mounted upon the roof of a building.
- G. Building Face. The vertical area of a particular side of a building, up to the lowest part of the roof line, cornice, or parapet.
- H. Channel Letter Sign. A sign consisting of three-dimensional letters having height, width and depth, individually applied to a wall, each letter of which may or may not be internally illuminated.
- I. Directional Sign— An on-premises sign(s) designating point(s) of ingress and egress to a property, which is/are located at the exit(s) or entrance(s) of a premises.
- J. Double-Faced Sign—A freestanding sign with two identical faces of the same size which are back-to-back, and not more than 45 degrees apart. Only one side of the double-faced sign is counted in calculating sign area.
- K. Erect - To build, construct, attach, place, suspend, or affix, which shall also include the painting of wall signs or other graphics.
- L. External Illumination- Artificial light, located outside and away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.
- M. Façade— The external side of a building below the roof line, eave or parapet.
- N. Freestanding Ground Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building. A freestanding sign shall have either one post with a horizontal bar from which the sign hangs (see illustration), or two posts, one at either end of the sign. Sign posts shall have a design compatible with the sign itself to the maximum extent possible.
- O. Governmental (or regulatory) Sign- Any sign traffic or for identification purposes, including a railroad danger or construction sign, erected by public agency officer, employee or agent thereof official duties.
- P. Halo Illumination— A sign using a 3-dimensional message, which is lit in such a way as to produce a halo effect. Illuminated signs are encouraged to use halo illumination.
- Q. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article.
- R. Identification Sign— A freestanding or wall sign, other than a bulletin board, indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.
- S. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be “externally” or “indirectly” illuminated.

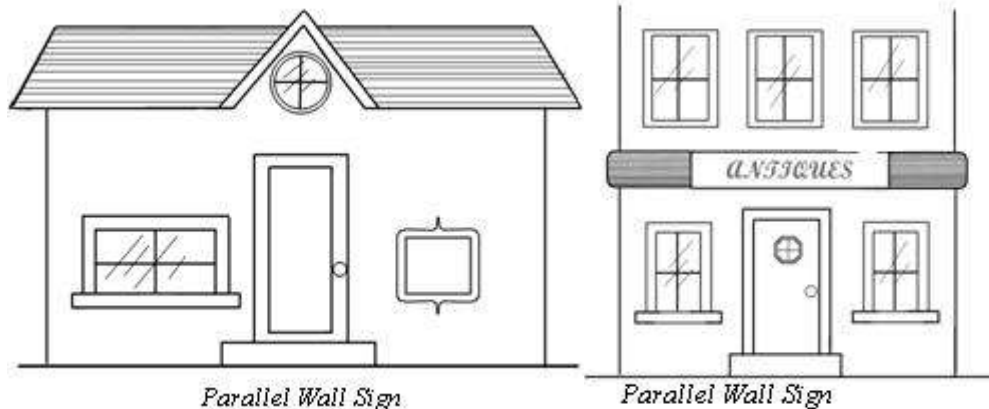


*Freestanding Ground Sign*

- T. Marquee— a permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements. A marquee sign is used for the purpose of identifying a theater.
- U. Monument Sign- A sign supported by a brick, stone, or masonry wall or structure which forms a supporting base for the sign display. The wall area is not counted in the sign display area.



- V. Multi-Tenanted Building Sign – A sign for a building with at least two non-residential tenants, which lists the names and addresses of the tenants of that building, and/or the name and address of the building itself.
- W. Mural- Artwork applied to the wall of a building, which serves either as advertising for the business on the same property, or which depicts a scene or event of local natural, social, cultural, or historic significance.
- X. Nameplate (Address) Sign– A wall sign which designates the name and/or address of an occupant or group of occupants within any one building.
- Y. Neon Sign- A sign with glass tubing containing a large proportion of neon gas. The tubing is typically bent to form words, numbers, logos, symbols, etc.
- Z. Nonconforming Sign. See **§1602 (Nonconforming Signs)**.
- AA. Off-Premises Sign. A sign, to include billboards, which is not located on the premises or entity referred to, indicated by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.
- BB. Parallel (Flush) Wall Sign– A sign mounted flush on a building facade, or parallel to the façade. A parallel wall sign does not extend beyond the edge of any wall, roof line, or other surface to which it is mounted, and does not project more than one foot from the surface to which it is mounted.



- CC. Pedestrian Directory Signs – Signs in Planned Retail Centers which show the names of commercial business establishments within the center. These signs are placed in areas used solely for pedestrian traffic.
- DD. Political Sign– A temporary sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election or referendum by the general public, or a limited group thereof.
- EE. Portable Sign. See **§1609.T. (Prohibited Signs)**
- FF. Projecting Wall Sign— Any sign mounted on a building wall, but not at the same plane as the building wall. The sign extends more than 12 inches from the building wall.



### *Projecting Wall Sign*

- GG. Real Estate Sign- A temporary sign indicating the sale, rental, or lease of the premises on which the sign is located and which must be removed upon or within a set time period after the sale or lease of the premises.
- HH. Roof Sign- A sign displayed above the eaves, roof line, or parapet wall of a building, but under the peak of the building, and which is wholly or partly supported by that building.
- II. Sandwich Board Sign- A portable advertising sign consisting of two faces, taken down at the end of the day. Sandwich board signs are typically used to advertise dining, entertainment, or sales; and are located along the street or sidewalk in front of the business each advertises.
- JJ. Sign- See **Article II: Definitions**.
- KK. Sign Area- See **§1611** of this Article (**Measurement of Sign Area**).
- LL. Sign Face- The part of a sign that is or can be used to identify, advertise and communicate information. This definition shall include any background material, trim, or color that differentiates the sign from the building or structure on which it is placed.
- MM. Sign Program- Plan for signs with coordinated themes and compatible sign design; including colors, lettering style/font, and materials. Location and size shall also be considered.
- NN. Snipe Sign- A sign or poster affixed to a tree, fence, guardrail, parking meter, utility pole, street sign, historical marker, traffic signal or control device, rocks or other natural features; with or without permission of the property owner.
- OO. Temporary Sign- A sign which advertises commercial services or products, community or civic events, construction projects, real estate for sale or lease, or other special events on a temporary basis (not to exceed 30 days in a calendar year, unless stated otherwise).
- PP. Time/Temperature Sign- A sign with an illuminated display, either showing the time and temperature simultaneously, or alternating between showing the time and the temperature. Time and temperature signs show no other messages and do not use animation or streaming video.
- QQ. Wall Sign. See parallel (flush) wall sign. A sign primarily supported by or painted on a wall of a building and which does not project more than two feet from such wall.
- RR. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is applied, painted, or otherwise affixed to a window or transparent door, or that can be read through a window or transparent door. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.



*Window Sign*

**1602. Nonconforming Signs.** Signs legally existing at the time of enactment of this Zoning Ordinance which do not conform to the requirements of the Zoning Ordinance shall be considered nonconforming signs. An existing lawful nonconforming sign may be replaced with a new nonconforming sign provided that the new sign is not more nonconforming in any way than the old sign.

**1603. Exempt Signs** (signs not requiring permits). The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article. Each sign listed below shall have a maximum height of eight feet.



<b>Exempt Signs (Signs Not Requiring Permits)</b>	<b>Max. No. of Signs Per Lot</b>	<b>Max. Sign Area* on Residential Lots of Less than One Acre</b>	<b>Max. Sign Area* on Non-Residential Lots of Less than One Acre</b>	<b>Other Requirements (Maximum Height shall be 8 ft. unless otherwise regulated below)</b>
Address Sign.	2	N/A, provided the sign does not show anything but the address	N/A, provided the sign does not show anything but the address	All buildings shall be required to display the address of the property in such a fashion as is clearly visible from the street. Max. Area: 1 s.f., 2 s.f. for multifamily. May be Parallel Wall or Freestanding Sign.
Artisan Sign (see “Contractor’s Sign”)	N/A			
ATM Sign	N/A			May show logo and operating instructions, when located on the machine.
Charitable or Civic Event Sign. Advertises a special event held a maximum of 2 weeks in any calendar year. Charitable event signs advertise an event held primarily to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	8	32	Shall be placed a maximum of 30 days prior to event and removed a maximum of 72 hours after event. May be located off-premises. Shall be non-illuminated
Contractor’s Sign. Advertises a building trade person, engineer or architect who is actively conducting significant work on a particular lot that is not such person’s place of business.	2	6 each	12 each	Shall only be permitted while work is actively and clearly underway and a maximum of 10 days afterward. Signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be non-illuminated
Directional Sign. Sign provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, directions toward a temporary fair, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3 each, other than sign painted on pavement.	3 each, other than signs painted on pavement.	May be located off-premises. Directions signs within a residential development shall be non-illuminated. Signs directing persons to a fair or similar event shall not be posted earlier than 2 weeks before the event and be removed within 1 week afterwards.
Flag, Commercial. A banner or pennant made of fabric or similar material that is hung in such a way to blow in the wind and that include some type of commercial message.	2	20 each	20 each	In addition, flags of any nation or level of government, or that only include colors and no commercial message, is not regulated by this Zoning Ordinance.
Garage Sale Sign. Advertises an occasional garage sale, porch sale or auction.	4 per event	4 per sign	4 per sign	Shall be placed a max. of 3 days before permitted garage sale or auction begins, and be removed maximum of 24 hours after event ends. May be located off-premises. Shall not be illuminated.

Governmental or Regulatory Signs. Official sign erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township Ordinance or resolution, and which exists for public purposes.	N/A			
Historic (Memorial, Landmark) Sign. Memorializes an important historic place, event or person and that is specifically authorized by the Township, County, State or Federal agency.	N/A			
Home Occupation Sign. Advertises a permitted home occupation.	2 (note: typically 1)	1.5	4 <i>Note: does not apply if referring to nonresidential use</i>	Non-illuminated. May be painted on a mailbox.
No Trespassing Sign. Indicating that a road or property is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting or fishing on the lot.	Signs must be separated by at least 100 ft of street frontage	1 s.f.	1 s.f.	
Open House Sign. Advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4 each	4 each	Shall be placed maximum of 5 days before open house begins, and be removed maximum of 24 hours after open house ends. Sign shall not be posted more than 5 consecutive days. Non-illuminated. May be located off-premises.
Political Sign. Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by governmental body.	4	32 total	32 total	Shall be placed a maximum of two months prior to election, vote referendum and removed a maximum of 7 days after the election, vote or referendum. May be located off-premises. Persons posting political signs shall maintain a written list of location of signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political signs does not meet these requirements, then it shall be regulated as an "off-premises sign." Non-illuminated.

Proposed Development Sign. Announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township, and which would involve a minimum of 10 dwelling units or a nonresidential principal building.	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Township, and shall be removed when any of the following occur: 1) if plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold, or 3) for a nonresidential development, when a permanent sign is placed. At least 100 ft. of street frontage between signs on lot. Non-illuminated.
Public Services Sign. Advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2 each	2 each	May be off-site. Max. Area: 4 s.f. May not include advertising.
Real Estate Sign. Advertises the availability of property on which the sign is located for sale, rent, or lease.	1 per street the lot abuts.	3 each	12 each	Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a maximum of 7 days after settlement or start of lease. Max. area of all signs: 6 s.f. in residential districts, 8 s.f. in other districts. Max Height: 4 ft. Minimum 150 feet street frontage between signs on lot. Non-illuminated.
Required Sign. Only includes information required to be posted outdoors by a government agency or the Township.	N/A			
Service Organization/Place of Worship Sign. An off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and an arrow directing persons to the location.	2	2 each	2 each	Maximum of 2 signs per organization or place of worship. Max. Area: 4 s.f. Max. height: 6 ft. May be located off-premises. Non-illuminated.

\* Maximum sign areas are for one side of a two-sided sign (as defined in definitions section) measured in square feet.

In addition, the following are not regulated by **Article XVI: Signs** of this Zoning Ordinance.

- A. Holiday Decorations. Commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- B. Unreadable Sign. A sign not readable from any public street or any exterior lot line.
- C. Neon Lighting, Commercial. Neon lighting designed to draw attention to a commercial use, but which is not part of a sign.

#### §1604. Permitted Signs

- A. The following are the signs requiring a permit to be located on a lot within the specified district and within the following regulations, in addition to “Exempt Signs: and “Temporary Signs” permitted in all districts by other provisions of this Article. See definitions of the types of signs in **§1601 (Sign Definitions)**.
  1. Residential District.
    - a. Residential Use Signs:
      - i. Nameplate (Address) Sign. A parallel wall sign which designates the name and/or address of an occupant or group of occupants within any one building. Max. 1 sign. Max. Area: 1 s.f.; 2.s.f. for multifamily.

- ii. Subdivision Identification Sign. Permanent freestanding or monument signs which identify the name of a subdivision or land development shall be permitted in conjunction with the following.
      - (1) One sign may be located at one main entrance to the development, not to exceed 24 square feet in area, or two signs, not exceeding 12 square feet each.
      - (2) Signs may also be permitted at additional entrances to the subdivision with the approval of the Board of Commissioners.
      - (3) A landscaped area shall surround the base of the sign in at least 3 ft. in each direction. It shall include vegetation of year-round interest such as evergreen shrubs and groundcover.
      - (4) External illumination only is permitted.
    - iii. Multifamily Residential Use Sign
      - (1) Max. area: 15 s.f. freestanding; max. height: 6 ft. Monument: max. height: 4 feet.
      - (2) Multifamily development containing rental office: parallel wall sign max area 6 s.f. (non-illuminated; may only include name of development and/or leasing company, presence of vacancy, business hours, and/or contact information)
      - (3) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be erected along each street frontage; provided, that a minimum street frontage of 100 feet is maintained between signs.
  - b. Permitted Nonresidential Principal Buildings - may have one of the signs listed in options a. through c. per street which the use abuts upon, and in addition may also utilize option d. (window signs).
    - i. Freestanding: 8 ft. tall. Max. area: same as commercial districts. Max. 1 sign per street which the use abuts upon, with a max. area of 28 s.f.
    - ii. Monument: 4 ft. tall. Maximum 5% of building façade or: 20 s.f., whichever is smaller.
    - iii. Parallel Wall: Max. total of 10% of the area of the building face on which each sign or set of signs are located up to a max. of 28 sq. ft. on each face of each principal building.
    - iv. Window: Max. of 5% of the area of the building face on which the sign(s) are located. Max. of 20% of the window area.
  - c. Bed-and-Breakfasts: Freestanding or monument sign, 4 ft. max height, 12 s.f. max. area. External illumination only.
  - d. Rooming house: Freestanding, monument, or parallel wall: Max. height: 4 ft. Max. area: 4 s.f. Non-illuminated.
- 2. Signs in the CB-Commercial District. Commercial uses in commercial districts may have a combination of wall signs (parallel and/or projecting), (non-temporary) window signs, awning signs, and sandwich board signs; however, no more than one of these sign types may be utilized per business. Uses with at least 100 feet of street frontage may also have (a maximum of) one freestanding or monument sign. The maximum permitted sign area shall not exceed 10% of the building façade if that façade has street frontage on only one street. If a building fronts on more than one street, however, the building is permitted signage up to an area equivalent to 10% of the façade on one street plus 5% of the façade facing a second street. This recognizes that buildings on corner lots may have some signage which can be seen from more than one street. Other regulations for commercial district signs:
  - a. Wall, Parallel: Max. area: 5 s.f. May not cover windows or other architectural elements of the building. However, if the sign is made part of the architectural design of the building, it may be as large as 10% of
  - b. the building face on which the sign is located, or up to 35 s.f., whichever is smaller. If channel lettering is used, the sign may be up to 44 s.f. To qualify as being part of the architectural design of the building, the sign shall be made part of the cornice, or designed with materials or colors which compliment, rather than clash with the architectural design of the building.
  - c. Wall, Projecting: Max. area: 5 s.f. Sign may not project more than 3 ft. from building. No projecting sign shall exceed a height of fifteen (15) ft. or project above any cornice, parapet wall, roof line or building facade.
  - d. Freestanding Ground: Max. height: 10 ft. Max. area: 10 s.f. Min. setback: 10 feet from ultimate right-of-way. If the freestanding ground sign advertises a business that is not in shopping center, or not on an expressway or arterial road, the maximum height shall be 6 ft., and max. area 8 s.f.
  - e. Monument: Max. 5 ft. tall. Max. area: 10 s.f. Min. setback: 10 ft. from ultimate right-of-way. Monument signs have a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal, or similar material, no gap between the base of the sign and the ground (i.e., with no supporting posts). The supporting structure is not counted in the sign area, but is counted toward the height. If the sign base is constructed on an impervious surface, the base of the sign must be surrounded by a small landscaped area (with live, year-round vegetation) extending at least 1 foot outward from the base of the sign in each

- direction. If a monument sign is not on the property of a shopping center, or is not located on an arterial road or expressway, the maximum height shall be 4 ft. and the max. area shall be 8 s.f.
- f. Window: Max. 20% of window area. May be painted or otherwise applied to the window or a non-temporary sign hanging just inside the window. Signs painted on storefront windows shall consist of individual letters and symbols only. The height of individual letters shall not exceed twelve (12) inches. Signs hanging in storefront windows shall not exceed three (3) square feet in area. The content of the sign shall include store names or symbols only. Hanging neon window signs are permitted in restaurants, cafes, bars, or other establishments serving food or beverages, provided they only state the name of the business or advertise a food or beverage, and do not exceed two square feet.
  - g. Awning: The awning must fit within the frame of the building and must not overlap any of the masonry. The slope of the awning should be sufficient to let water run off. A minimum clearance of seven (7) feet between the vertical face and any walkway is required. Awning signs shall be permitted only on the first floor of the building. The area of signs on awnings is limited to the top and front fringe of the awning. Awning signs must be opaque to prevent the passing of light from beneath the awning through the awning material. Instead, any lighting must be external and directed towards the awning.
  - h. Sandwich Boards:
    - i. Max 4 ft. tall.
    - ii. Max width: 30 inches.
    - iii. Plastic lettering and movable type shall not be permitted.
    - iv. Shall be located either adjacent to the building, or adjacent to the curb; in either location, at least three (3) feet of sidewalk shall be left unobstructed.
    - v. Shall not interfere with clear intersection sight triangles.
    - vi. Shall be weighted at the base so that the sign cannot be moved by strong winds; however no sign shall be chained, tied, or otherwise affixed to any structure or object.
    - vii. Sandwich boards shall be removed from the sidewalk at the close of business hours.
    - viii. Non-illuminated.
  - h. Marquee Signs. Marquee signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use, exclusively for theaters, provided the total sign area shall not exceed 100 s.f. Such signs shall be required at all times to maintain a minimum vertical clearance of ten (10) feet.
  - i. The following standards shall apply only to shopping centers in the CB-Commercial Business District. For signs in the Planned Retail Center District, see regulations in **§801.C.5. (PRC-Planned Retail Center District- Additional Signs Permitted Within a Planned Retail District)**.
    - i. Signs for Individual Businesses - Each individual business in a shopping center shall be permitted the signs permitted for businesses not located in shopping centers, with the exception that freestanding or monument signs may only be used if no parking is located between the business and the street the shopping center fronts upon.
    - ii. Shopping Center Directory Signs. In addition to signage permitted for each individual business in shopping centers, one directory sign (freestanding or monument) shall be permitted for each 300 feet of frontage and shall be located within 20 feet of one of the entrances to the shopping center (monument signs are encouraged). This sign shall have a maximum height of 15 feet. Max. sign area: 1 s.f. for each 2 ft. of street frontage, up to a maximum of 250 square feet for a freestanding sign and 280 square feet for a monument sign. At least 20% of the sign shall consist of the name of
    - iii. the shopping center. A landscaped area shall be located within 30 feet of the base of the sign. The landscaped area shall contain year-round vegetation, including, at a minimum, evergreen trees or shrubs, and groundcover; and shall be at least 10 feet longer and 10 feet wider than the sign itself. Evergreens shall be spaced 5 feet apart on center. However, the landscaped area and sign shall not interfere with the required intersection sight triangle.
    - iv. Sign Program. Shopping centers shall utilize a sign program (see definition). Proposed sign programs and sign examples shall be explained, and renderings provided on the preliminary plan (provision of this information on a preliminary sketch plan is encouraged).
    - v. Additional signs may be permitted and the size and height of signs may be increased upon review and recommendation by the Planning Commission approval by the Board of Commissioners of West Pottsgrove Township.
  - j. Bonus. In the interest of increasing the variety and quality of signs on nonresidential properties, a bonus sign area of 15% is permitted if the sign includes a logo or image as a design element in the interest of promoting visual interest and helping people more rapidly recognize the locations of retail, office, and institutional uses (the sign shall not be comprised exclusively of words on a plain background, and the logo or image shall comprise at least 40% of the sign area).

- k. Murals. Murals may be permitted in commercial districts via conditional use. In addition to complying with the general conditional use criteria of **Article XXI: Conditional Uses and Special Exceptions**, the following specific conditional use criteria must be met:
  - i. If the mural contains advertising, it, along with a business' other signage, shall not exceed the maximum permitted sign area and shall conform to the regulations for parallel wall signs.
  - ii. If the mural does not contain advertising, it shall portray an image celebrating an historic event of natural, historic, social, or cultural importance in the history of the Township, and its maximum area shall be 100 s.f.
  - iii. The mural must be painted or applied to the exterior wall of the principal building on the lot.
  - iv. Graffiti-resistant material shall be used in the mural's design.
  - v. The design of the mural shall not constitute a public safety hazard due to its similarity to traffic signals or potential to interfere with drivers' vision.
  - vi. The applicant must commit to continually maintain the mural, eliminate graffiti, and remedy damage or disrepair in a timely manner. An escrow, in the amount of \$7,500, must be established to ensure the mural's maintenance.
  - vii. A rendering must be submitted as part of the conditional use application showing the location of the proposed mural on the wall on which it is proposed. A reduced conceptual sketch of the mural itself must be submitted as well, showing the design, colors, and text (if any) of the proposed mural. These renderings must be submitted on sheets of a minimum size of 11" x 18".
- 3. Industrial and Resource Recovery Districts. The following signs are permitted in the Industrial and Resource Recovery Districts:
  - a. Any sign permitted in residential districts which relates to a use permitted in the district.
  - b. Any signage permitted in Commercial Districts with the corresponding regulatory standards, with the following exceptions:
    - i. Freestanding signs: Max. 20 ft. tall. Max. area: 32 s.f. Each industrial use with at least 100 ft. of street frontage may have one freestanding or monument sign per street frontage.
    - ii. Monument signs: 6 ft. tall. Max. area: 20 s.f. Each industrial use with at least 100 ft. of street frontage may have one freestanding or monument sign per street frontage.
    - iii. Parallel wall signs may comprise up to 15% of the building face on which each sign or set of signs are located, up to a maximum wall sign area of 50 s.f. (parallel wall signs are not required to fit the architecture of the building in order to qualify for this allowance). No parallel wall sign shall exceed 15 feet in height, or project above any cornice, parapet wall, roof line, or building façade.
  - c. Sign contents. A freestanding or monument sign shall contain only the name, address, logo and/or contact information for the permitted use.

\*\* See definition of Sign Height in **§1601 (Sign Definitions)**.

\*\*\*Signs for non-business uses shall be regulated as if such use would be within a residential district.

B. Maximum Height of Wall Signs. Wall signs shall not project above the lower edge of the roof line, cornice, parapet wall; or above the top of the façade to which they are attached.

**§1605. Abandoned or Outdated Signs.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenant or for purchase) shall be removed within 180 days of the cessation of such use.

**§1606. Location of Signs.** The following shall regulate the location of signs:

- A. Setback from Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within or project over any existing or established future street right-of-way except when such signs are required in connection with the provision of municipal services. The main supporting structure of all free standing business signs and freestanding signs permitted in residential or other districts shall not be located closer than ten feet to any curb line, except for official traffic signs or other government signs. Projecting signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 3 feet from the wall to which it is attached, and parallel wall signs shall not project outward more than one foot unless the sidewalk is more than nine feet wide; and in no event shall the farthest point of projection be closer than six feet to the curb line where the sidewalk is wider than nine feet. Each sign projecting from a wall shall provide at least seven feet of clearance between the sidewalk and the sign.

- B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements or safe sight distances for vehicles within a lot. Signs in a location that may reduce sight distance shall have a minimum clearance of three feet above the ground, except for structural posts.
- C. Off-premises. See **§1609 (Prohibited Signs)**.
- D. Setbacks from Lot Lines. A freestanding sign for a commercial or industrial business shall not be located within 10 feet of a residential lot line. A sign is not required to meet setback requirements for accessory structures.

**§1607. Illumination of Signs.**

- A. See **§1611 (Light, Glare and Heat Control)**.
- B. Times of Illumination. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district shall not be illuminated between the hours of 10:00 pm and 6:00am, unless the business is open during the time in which the sign is illuminated. In any case, lighting shall be reduced during that period of the day so no direct lighting from the sign is visible from adjacent residential properties.
- C. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:
  - 1. Light sources shall be shielded from all adjacent properties, streets, and pedestrian ways, and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists. "Gooseneck lighting" is encouraged both for its visual attractiveness and design which aims light directly at the object being illuminated while shielding light from escaping to the sides. Halo illumination is also encouraged for its ability to illuminate a sign in an attractive manner while minimizing glare.
  - 2. With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect are permitted.
  - 3. Permits for illuminated signs will not be issued without an approved electrical permit. All work shall be completed in full compliance with the current IBC, ICC, and NEC Electrical Codes.
  - 4. Electrical connections: the electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of underground cables. Applications for electrical permits shall be filed at the time of the sign permit application.

**§1608. Vehicles Functioning as Signs.** Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

**§1609. Prohibited Signs.** The following signs are prohibited in all zoning districts:

- A. Off-premises signs, including billboards (this ban is possible since billboards are permitted in other municipalities in the Pottstown Metropolitan Area Region).
- B. Rotating signs, or any moving sign or object used to attract attention to a commercial use.
- C. Flashing, blinking, twinkling, animated, electronic changeable message, or LED signs, except signs showing only the time and temperature. This restriction specifically includes window signs, but does not prohibit lighting or displays related to a holiday recognized by the Township, County, State, or Federal Government.
- D. Neon signs, with the exception of neon window signs located inside the window.
- E. Signs which emit smoke, visible vapors or particles, sound or odor.
- F. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Zoning Ordinance.
- G. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").
- H. Signs or displays that include words or images that are obscene, pornographic or than an average reasonable person would find highly offensive to public decency.
- I. Snipe signs.
- J. Signs erected without the permission of the property owner or authorized agent.
- K. Signs painted on any wall surface, excluding murals.
- L. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.
- M. Banners (unless erected by West Pottsgrove Township), pennants, or balloons, except as may be otherwise provided for within this Article.
- N. Vehicular signs

- O. Abandoned or dilapidated signs.
- P. Festoon signs
- Q. Beacon light signs.
- R. Signs that cover architectural detail of a building
- S. Illuminated temporary signs.
- T. Portable Signs (Freestanding ground signs designed to be transported and moved, with the exception of sandwich board signs; and signs which are not permanently attached to a building or the ground).

**§1610. Construction of Signs.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such notice is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

**§1611. Measurement of Sign Area.**

- A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One “freestanding sign” may include several signs that are all attached to one structure with the total “sign area” being the total area of all signs on the structure.
- B. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
- C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
- D. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ).
- E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

**§1612. General Regulations.**

- A. Materials. All signs, excluding awning signs and window signs, shall be constructed only of wood, metal, or stone; or of materials appearing to be wood, metal, or stone.
- B. Messages. Shall be raised, engraved, or painted.
- C. Sign materials are encouraged to compliment the original construction materials and architectural style of the building façade on which they are to be displayed. If plywood is used, smooth, weather-resistant medium-density overlay shall be used as a minimum grade. Bare plywood is prohibited.
- D. Color. Sign colors that compliment the color of the building are encouraged.
- E. No sign or structure shall be erected unless it complies with all applicable regulations of the West Pottsgrove building code.
- F. Maintenance. All signs and structures shall be kept in good repair and in a presentable condition, so that all sign information is clearly legible. Any sign found by the Zoning Officer to show deterioration, including rust, faded colors, discoloration, holes and missing parts or informational items, shall constitute a violation of this Article.

**§1613. Structural Requirements, Maintenance, and Illumination.**

- A. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Township’s Building Code.
- B. Permits for illuminated signs shall not be submitted for review unless an application is filed concurrently for an electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the current IBC, ICC, and NEC Electrical Code.
- C. All signs and sign structures shall be kept in good repair and in a presentable condition, such that all sign information is clearly legible. Any sign found to show deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, shall constitute a violation of this Article.
- D. Sign structures are encouraged to be compatible in appearance and materials to the signs they support.
- E. No sign shall have guide wires for structural support.



**ARTICLE XVII**  
**Nonconforming Buildings, Structures, Uses and Lots**

**§1700. Nonconforming Building, Structures and Uses.**

- A. A nonconforming use may be continued but shall not be changed to another nonconforming use except by variance and when the following conditions are met to the satisfaction of the Zoning Hearing Board:
  - 1. A major portion of the proposed use and the use it is to replace are conducted within a building.
  - 2. The building cannot reasonably be modified to contain a conforming use.
  - 3. The proposed nonconforming use is less detrimental to its neighborhood and surroundings or general public welfare than the use it is to replace. The Zoning Hearing Board shall take into consideration all factors which might affect the public's interest including: traffic generated, nuisance characteristics, such as emission of noise, odor, dust and smoke, fire hazards, and hours and manner of operation.
- B. If a nonconforming use is subsequently changed to conform to the regulations of the district in which it is located, it shall not again be altered or changed except in accordance with such regulations.
- C. If a building containing a nonconforming use is destroyed to the extent of more than 50 percent, the use shall not be re-established. Reconstruction of a lawful nonconforming building or structure shall be in the same location provided that: 1) the reconstructed building or structure shall not exceed the height, area, or volume of the damaged or partially destroyed building or structure except as provided by **§1700.4**; and 2) reconstruction shall begin within one year from the date of damage or partial destruction and shall be carried on without interruption.
- D. Additions and/or extensions to a nonresidential nonconforming building, structure, or use not including signs in excess of five percent (5%) in total building floor area shall be permitted by special exception only upon application to the Zoning Hearing Board and following review and approval of the Zoning Hearing Board, provided the following conditions are met. In the event that these following conditions cannot be met, a variance shall be required.
  - 1. The proposed setback shall not be less than the existing setback.
  - 2. The existing setback was not established through the grant of a variance or other prior zoning relief.
  - 3. The proposed setback is greater than or equal to 50 percent of the currently required setback.
  - 4. The proposed addition and/or extension shall not exceed 25 percent of the occupied floor area or 25 percent of the cubical contents of the building(s) occupied, or in the case of the use where a major portion is conducted in the open, 25 percent of the service capacity, or area occupied. The total of all expansions, including the proposed expansion whether permitted under this or any prior Zoning Ordinance or amendments thereto, shall not exceed the 25 percent permitted herein.
  - 5. In addition, the Zoning Hearing Board shall find, as a matter of fact, that the proposed addition or extension will not (a) be detrimental to the general neighborhood or displace a conforming use, (b) unreasonably create or extend further into a deficient yard space or create or reduce a deficient amount of land area, or (c) exceed border area beyond the limits expressed in **§1700.D.4.**, above.
- E. Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded in floor area as a permitted by-right use, provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created, and d) a nonconformity is not made more severe (including the building area within the required setback area).
- F. All nonconforming uses shall be required to register with the Township Zoning Officer within one year of the date of the enactment of the ordinance, in order to be recorded in accordance with **§1703: Mapping and Recording of Nonconforming Uses**.
- G. Abandonment. If a lawful nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of 6 months or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this ordinance.
- H. Building Condemned. A nonconforming building which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this ordinance.
- I. Nonconforming Signs. Every lawful nonconforming sign shall be discontinued and removed, or changed to a conforming sign, within a period of 2 years from the effective date of this ordinance, provided that signs which, at the effective date of this ordinance, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained or repaired or replaced with signs similar in size and character so long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may the illumination, style of presentation, or lack of illumination thereof be changed) except in accordance with the regulations applicable to the district in which such lot is located. All such signs shall comply with the terms of **Article XVI: Signs**.

**§1701. Nonconforming Lots.**

- A. New permitted structures for a single permitted by-right principle use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by-right use if all of the following requirements are met:
  - 1. The lot area is at least 80% of the minimum lot area.
  - 2. The lot width is at least 80% of the minimum lot width.
  - 3. The lot is a lot of record that lawfully existed prior to the adoption of this ordinance or an applicable subsequent amendment.
  - 4. Minimum setbacks and other requirements of this ordinance are complied with for any new construction or expanded area.
  - 5. If a new principal building will be served by an on-lot septic system, the lot shall comply with all state septic regulations, and shall provide an approved alternative drain field location.
- B. Setbacks. The Zoning Hearing Board may grant a special exception to reduce the required setbacks for construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
- C. Integration. Contiguous nonconforming lots under common ownership shall be integrated to form lots that would be conforming or less nonconforming.
- D. If a proposed development on a nonconforming lot does not meet the requirements of the above **§1701.A** and **§1701.B**, then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the State Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adversely impact upon the established character of an existing residential neighborhood than the proposed use.

**§1702. Subdivision Plan Previously Approved.** In the case of a plot of land, a plan for the subdivision of which into two or more parcels or lots for the purpose of development and sale has, prior to the effective date of this ordinance, been duly approved and recorded as required by law, which plan does not make provision for full adherence to the regulations of this ordinance governing minimum lot areas or widths, front, side or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may be proceeded with when authorized as a variance, or the subdivision approval was secured within one year of the effective date of this ordinance. The Zoning Hearing Board shall have power to grant a variance with respect to the whole of such plot of land or any portion thereof.

**§1703. Mapping and Recording of Nonconforming Uses.** The Zoning Officer shall perform a survey of the Township and record and map all uses nonconforming to the district requirements set forth in this ordinance. Such record and map shall be available for inspection at the Township Municipal Building.

## Article XVIII Administration

**§1800. Zoning Officer.** The provisions of this ordinance shall be enforced by an agent, to be appointed by the Board of Township Commissioners, who shall be known as the Zoning Officer and Building Inspector. He or she shall serve at the pleasure of the Board of Township Commissioners and shall receive such fees or compensation as the Board of Township Commissioners may, by resolution, provide. He or she shall not hold any other elected office in the municipality.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Commissioners. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. Duties and Powers. The Zoning Officer shall:
  1. Receive and review all applications required by this Zoning Ordinance (including those for permits for erections or alterations of structures or changes of use), determine whether such construction or use is in accordance with the general requirements of this ordinance, and issue or refuse permits within this Zoning Ordinance, all other applicable ordinances, and the laws and regulations of the Commonwealth. The Zoning Officer shall issue no permit unless it conforms to all applicable statutes and regulations.
  2. Receive complaints of violation of this Zoning Ordinance, and enforce the Zoning Ordinance within the provisions established by the PA Municipalities Planning Code.
  3. Maintain records of applications, permits, plans, variances, written decisions, and interpretations issued and of complaints received, of official reports rendered, of legal notices; and all permits issued with notations as to special conditions attached thereto; all records shall be open for public inspection.
  4. Perform all other duties called for in this Zoning Ordinance.
  5. Not permit any activity which does not conform to this Zoning Ordinance.
  6. Conduct inspections and survey to determine compliance or non-compliance with the terms of this ordinance. In carrying out such surveys, the Zoning Officer or his or her representative may enter up in any land or building within the Township.
  7. Make written orders requiring compliance with the provisions of this ordinance to be served personally or by registered mail.
  8. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this ordinance.
  9. Maintain a map and register available for public inspection showing the current classification of all land within the Township; and showing the registration, identity, location and type of all nonconforming uses within the Township.
  10. Participate in all proceedings before the Zoning Hearing Board, present facts and information to assist the Board in reaching decisions which shall be compatible with this ordinance; and have decisions of the Board reviewed in a court of proper jurisdiction when, in the judgment of the Zoning Officer, such a review is desirable or indicated.

**§1801. Permits.** After receiving a proper application, the Zoning Officer shall either 1) issue the permit under this Ordinance, or 2) refuse the Permit indicating a reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing.

Thirty Day Challenge Period. No building shall be constructed, occupied or enlarged in the Township, or the use of any building changed until a permit has been secured from the Zoning Officer. It is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the revisions of this ordinance.

**§1802. Application for Permits.** All applications for permits shall be made in writing by the owner or tenants or authorized agent and shall be filed with the Zoning Officer. The application (1) shall include a statement as to the proposed use of the building; (2) when required by the Zoning Officer, shall be accompanied by a plot plan based upon a plan prepared by a registered engineer or land surveyor, showing the location of the building in relation to property and road lines; and (3) shall contain all information necessary to enable the Zoning Officer to ascertain whether the proposed building complies with the provisions of this ordinance.

- A. Applicability. Any of the following activities or any other activity regulated by this Zoning Ordinance shall only be carried out after receipt of a Township permit (except as stated below) and any additional required Township approval after the applicant shows compliance with this Zoning Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign;
    - a. Storage sheds are required to have a Township permit.
  2. Change of the type or use or expansion of the use of a structure or area of land; a
  3. Creation of a lot or alteration of lot lines; and/or
  4. Creation of a new use.
    - a. A Township permit is specifically required for any home occupation.
  5. A permit shall be required for any type of earth moving, filling, grading, or storage of fill.
- B. Types of Uses.
1. Permitted by Right Uses. This type of use may be granted zoning approval by the Zoning Officer if all requirement of this Zoning Ordinance are met.
  2. Application Requiring a Variance. This type of use shall require a written approval by the Zoning Hearing Board.
  3. Conditional Use. This type of use shall require a written zoning approval by the Township Board consistent with the requirements of **Article XXI: Conditional Uses and Special Exceptions**, after the Planning Commission has been given an opportunity to review the application.
- C. Applications
1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Zoning Ordinance shall be made in writing on a form provided by the Township.
    - a. The completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Zoning Officer or other Township employee responsible for processing the application. The date of receipt should be noted on the application.
  2. When a site plan is required, at least ten copies shall be submitted. The site plan shall be drawn to scale. A site plan shall be required for: any new building, building addition, parking lot, grading and fill plan, and where the Zoning Officer determines that a site plan is needed to determine compliance with this Zoning Ordinance.
  3. Except as provided for in this ordinance, any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:
    - a. The location and dimensions of the lot,
    - b. Locations, dimensions, and uses of existing, and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land,
    - c. Name and address of the applicant, or appellant,
    - d. Name and address of the owner of the affected property (if different from the applicant),
    - e. A description of the proposed use of the property,
    - f. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Zoning Ordinance
    - g. The locations of any trees or forested areas with a trunk diameter of six inches or greater measured 4.5 feet above the average surrounding ground level that may be impacted in any way by the proposal (with trees identified with a trunk diameter over 18 inches), and
    - h. All other applicable information listed on the official Township application form.
  4. Submittal to the Township. In addition to the information listed above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Zoning Ordinance:
    - a. The present zoning district and major applicable lot requirements,
    - b. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire, or toxic or explosive hazards or other significant public health and safety hazards,
    - c. If a non-residential use is proposed close to dwellings, a description of hours of operation,
    - d. A listing of any sections of this Zoning Ordinance being appealed, with the reasons for the appeal.
    - e. The applicant shall provide seven copies of the plan for review.
  5. Porches and Accessory Buildings. For the construction of a porch or an accessory building of less than 250 square feet, the applicant shall only be required to submit evidence that the structure: a) will meet the setback requirements of this Zoning Ordinance, and b) will not intrude into the an existing septic system location or an officially designated alternate septic system location, and c) will require a building permit and site plan.
  6. Other Laws. The Zoning Officer may withhold issuance of a permit under this Zoning Ordinance if there is clear knowledge by the Zoning Officer that a use would violate another Township, Sate or Federal law or regulation, until such time as the applicant proves compliance.

7. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article II).
8. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and individuals (such as the Planning Commission or Township Engineer) for review and comment.
- D. Issuance of Permit
  1. At least three copies of any permit required under this Zoning Ordinance shall be made. One copy of the permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of the permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
  2. Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.
  3. Where applicable, a State Highway Occupancy Permit shall be required prior to issuance of a Township Building Permit.
- E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:
  1. False statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties from providing false information to a municipal employee in the carrying out of his/her duties.)
  2. Any work being accomplished or use of land or structures in such a way that does not comply with this Zoning Ordinance or an approved site plan or approved permit application or a condition imposed as part of a special exception, conditional use or variance approval.
  3. For any other just cause set forth in this Zoning Ordinance.
  4. For violation of the Subdivision and Land Development Ordinance.
- G. Changes to Approved Plans.
  1. After the issuance of a permit or approval of a site plan under this Zoning Ordinance by the Township, the approved application or site plan shall not be changed without the written consent of the Zoning Officer.
  2. Changes to a site plan approved by the Township Board as a conditional use shall require re-approval of the changes by the Township Board if the Zoning Officer determines that the changes significantly affect matters that were within their approval. The approval by the Township Board is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

**§1803. Expiration of Permits.** A permit issued under the authority of this ordinance shall expire 6 months after date of issuance unless the permittee shall have commenced substantial construction or utilization of the property which is the subject of the permit in accordance with the intent thereof within such period.

**§1804. Appeal of Application.** An appeal or application for special exception or variance, from the terms of this ordinance, or a decision of the Zoning Officer, may be filed with the Secretary of the Zoning Hearing Board. Any appeal from the decision of the Zoning Officer shall be made within 30 days. Appeals shall state:

- A. The name and address of the applicant. In the event the applicant is not the owner, a copy of the Agreement of Sale must be submitted with the application.
- B. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this ordinance under which the variance or exception requested may be allowed, and the reasons why it should be granted.
- F. A reasonably accurate description of the present improvements and the additions intended to be made under the application, indicating the size of such proposed improvements. In addition, there shall be attached a plot plan of the real estate to be affected, indicating the location and size of the lot, and size of improvements now erected and those proposed to be erected thereon.

**§1805. Fees.** Fees for permits shall be paid in accordance with a fee schedule to be adopted by resolution or ordinance by the Board of Township Commissioners. Such fees shall be designed to cover the costs of administering the Zoning Ordinance. Each applicant for an appeal, special exception or variance shall, at the time of making application, pay a fee in accordance with the aforementioned fee schedule, for the cost of advertising and mailing notices, and such other costs as are required by this ordinance and the rules of the Zoning Hearing Board. All fees shall be paid into the Township Treasury.

## ARTICLE XIX Zoning Hearing Board

**§1900. Appointment.** The Board of Township Commissioners shall appoint a Zoning Hearing Board consisting of three members. The Board of Township Commissioners shall designate one such member to serve until the first day of January following the effective date of this ordinance, one until the first day of the second January thereafter; and one until the first day of the third January thereafter; shall appoint three successors on the expiration of their respective terms to serve 3 years, and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. The word “Board” when used in this Article shall mean the Zoning Hearing Board. Alternate members may be appointed within the provisions of the PA. Municipalities Planning Code. Member of the Zoning Heard Board shall hold no elected office in the Township.

### **Zoning Hearing Board Actions, Special Exceptions and Variances.**

- A. Vacancies. The Zoning Hearing Board shall promptly notify the Township Board when any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- B. Removal of Members. Any Zoning Board member may be removed for malfeasance, misfeasance or nonfeasance in office of for other just cause by a majority vote of the Board of Commissioners which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- C. Organization
  1. Rules. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law. The Zoning Hearing Board shall elect officers for annual or bi-annual terms from its own membership.
  2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all member of the Zoning Hearing Board, except within the hearing officer process established by the PA. Municipalities Planning Code.
- D. Zoning Heard Board Functions. The Zoning Hearing Board shall be responsible for the following:
  1. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Zoning Ordinance. See time limitations for appeals in **§1900.F. (Appeals)**.
  2. Challenge to the Validity of the Zoning Ordinance or Zoning Map.
    - a. The Zoning Hearing Board shall hear challenges to the validity of this Zoning Ordinance filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.
    - b. After the conclusion of the hearing(s), the Zoning Hearing Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA. Municipalities Planning Code.
  3. Variance.
    - a. The Zoning Hearing Board shall hear requests for variances filed with the Zoning Hearing Board in writing by any landowner (or any tenant with the permission of the landowner).
    - b. Standards. The Zoning Hearing Board may grant a variance only within the limitations of State law. (As of 1993, the PA. Municipalities Planning Code provided that all of the following findings must be made, where relevant:
      - i. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
      - ii. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
      - iii. Such unnecessary hardship has not been created by the appellant;
      - iv. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
      - v. The variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- c. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.
  - d. The Zoning Hearing Board may also grant a variance for a physical improvement needed to comply with the Americans with Disabilities Act.
- 4. Hearings. Hearings should be conducted consistent in compliance with the requirements of the PA Municipalities Planning Code.
- 5. Records and Reports. The staff to the Zoning Hearing Board shall keep full public records of its business.
- 6. Court Appeals. In the case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Appellant shall make the return required by law.
- E. Special Exception. Where special exceptions are to be considered as specified by the Township Board in this Zoning Ordinance, the Board shall grant or deny special exceptions pursuant to express standards and criteria as detailed in this ordinance. In granting as a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance. In granting special exceptions as authorized in this ordinance, the Board shall consider, inter alia:
  - 1. The suitability of the property for the use desired.
  - 2. The effect of the proposed use upon the safety and health of the immediate neighborhood and the general public therein.
  - 3. The effect of the proposed use upon the character of the immediate neighborhood so as to conserve the value of existing buildings and encourage the most appropriate use of the land.
- F. Appeals.
  - 1. In General. All appeals of this Zoning Ordinance or any action of the Township Board, the Zoning Officer or the Board under this Zoning Ordinance shall conform with Article X-A of the PA Municipalities Planning Code (see MPC §112 "Hearings").
  - 2. Procedural Defects in Enactment. Allegations that this Zoning Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the Zoning Ordinance or amendment.
  - 3. The time limitations for appeals shall be as follows:
    - a. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under §914.1 of the PA Municipalities Code.
    - b. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
- G. Stay of Proceedings. See Section 916 of the PA Municipalities Planning Code.
- H. Time Limitations on Permits, Variances, and Special Exceptions [also see **Article XXI: Conditional Uses & Special Exceptions**].
  - 1. After a variance or special exception is approved or approval is officially authorized under this Zoning Ordinance, then a building permit shall be secured by the applicant within 12 months after the date of approval or authorization. Action under the building permit shall begin within six (6) months of the issuance of the permit; otherwise, all approvals, variances and permits shall become null and void.
  - 2. Township Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or conditional use approval that is related to the variance or issuance of a permit under this Zoning Ordinance within the above time limits, then the time limits shall begin after the plan review is completed or the plan approval is granted.
  - 3. Federal or State Approvals. If an application requires a Federal or State permit or approval, then the time limits of this Section may apply from the date of issuance or approval, provided that: a) the applicant applied for permit or approval prior to or within 60 days after applying for Township approval, and b) the applicant continues to diligently seek approval or permit.
  - 4. For good cause, the Zoning Officer may extend in writing the time periods in this Section.
  - 5. If an applicant fails to obtain the necessary permits within the above time period, or fails to diligently commence substantial construction within the above time period or allows interruptions in substantial construction of longer than six months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all approvals, variances and permits shall become null and void.

**§1901. Powers and Duties.** The Board shall have the following powers:

- A. To conduct hearings and make decisions in accordance with the jurisdictional provisions of the Pennsylvania Municipalities Planning Code as amended. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:
  1. Notice of Hearings. Notice of all hearings of the Zoning Hearing Board shall be given as follows (the notices herein required shall state the location of the building or lot and the general nature of the question involved):
    - a. Advertisement. Public notice shall be published, as defined by Section 107 of the PA Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
    - b. Posting. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that the notice is posted and remains posted until the hearing.
    - c. Persons Given Notice. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Township and County Planning Commissions, Township Board, and owners of record within 150 feet of the applicant's property. Also, notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for notice. Any notices should be mailed or delivered by a Township representative to the last address known to the Township. The notice should be intended to be received at least five days prior to the hearing date.
    - d. Adjacent Municipalities. In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on the matter at least seven days prior to the hearing date. Representatives of the adjacent municipality shall have the right to appear and be heard at the public hearing.
    - e. Fees. The Township Board may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Zoning Ordinance; and b) those requesting any notice not required by this Zoning Ordinance.
  2. Parties in Hearings. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board.
  3. Oaths and Subpoenas. The chair of the Zoning Hearing Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.
  4. Representation by Counsel. The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.
  5. Evidence and Record. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Zoning Hearing Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State Law.
  6. Communications Outside of Hearings.
    - a. The Zoning Hearing Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
    - b. The Zoning Hearing Board shall not take notice of any communication, report staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Zoning Hearing Board's solicitor.
  7. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, County Conservation District, Township Staff, Township Engineer or other professional provide an advisory review on any matter before the Zoning Hearing Board.
  8. Initiation of Hearings. A hearing required under this Zoning Ordinance shall be initiated within 60 days of the date of an applicant's submittal of a complete application, unless the applicant has agreed in writing to an extension of time.
  9. Decisions/Findings.
    - a. The Zoning Hearing Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Zoning Hearing Board, unless the applicant has agreed in writing to an extension of time.



- b. Where the application is contested or denied, the decision should include findings of fact and conclusions based thereon, together with the reasons for such conclusions. Any conclusion based on any provision of the PA Municipalities Planning Code or of this Zoning Ordinance should contain a reference to the provision relied on.
- 10. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit established by §908 of the PA Municipalities Planning Code.

**§1902. Orders.** In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as sought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. Notice of the Board's decision shall forthwith be mailed to the applicant, the property owner and other interested parties.

**§1903. Rules of Procedure.** The Board shall adopt Rules of Procedure in accordance with the several provisions of this ordinance and the requirements of Pennsylvania Municipalities Planning Code as amended, as to the manner of filing appeals, applications for special exceptions or for variances from the terms of this ordinance, and as to the conduct of the business of the Board.

**§1904. Meetings.** Meetings of the Zoning Hearing Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or, in his/her absence, the acting chairman, may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**§1905. Standards for Zoning Hearing Board Review.** In any instance where the Zoning Hearing Board is required to consider a variance, or special exception from the Zoning Ordinance or map in accordance with the provisions of the Ordinance, the Board shall, among other things:

- A. Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the Township, the convenience of the community (where applicable), and the public welfare.
- D. Consider the effect of the proposed change upon the logical, efficient, and economical extension of public service and facilities such as public water, sewers, police and fire protection, and public schools.
- E. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
- F. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.
- G. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, and adequate standards of parking and sanitation.
- H. With respect to a variance, determine that there are special circumstances or conditions fully described in the findings applying to the land or buildings for which the variance is sought, which circumstances or conditions are such that the application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
- I. Determine that the unique circumstances for which the variance is sought were neither created by the owner of the property, nor were due to or the result of general conditions in the district in which the property is located.
- J. Requests for special exceptions or variances concerning lands in any Flood Plain Conservation District shall be considered by the Zoning Hearing Board in accordance with the following procedures.
  - 1. An affirmative decision shall not be issued by the Zoning Hearing Board concerning lands within the designated floodway if any increase in the flood levels during the base flood discharge would result.
  - 2. Affirmative decisions shall only be issued by the Zoning Hearing Board upon: 1) a showing of good and sufficient cause; 2) a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and 3) a determination that the granting of an appeal will not result in increased flood heights,

3. additional threats to public safety, or extraordinary public expense, will not create nuisances, will not cause fraud on or victimization of the public, or will not conflict with existing local laws or ordinances.
4. Affirmative decisions shall only be issued upon determination that special exception or variance requested is the minimum necessary, considering the flood hazard, to afford relief.
5. The Zoning Hearing Board shall notify the applicant in writing over the signature of community officials: 1) that the issuance of a decision to allow construction of a structure below the 100-year flood elevation will result in increased premium rates of flood insurance and 2) that construction below the 100-year flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required in paragraph 5 of this subsection.
6. The Zoning Hearing Board shall: 1) maintain a record of all decisions in including justification for their issuance, and 2) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

**§1906. Appeal to Court.** Any persons aggrieved by the decision of the Board may, within 30 days thereafter, appeal to the Court of Common Pleas of Montgomery County by petition duly verified setting forth the grounds upon which said appeal is taken.

**§1907. Fees.** Application before the Zoning Hearing Board as in **Article XIX: Zoning Hearing Board** as provided shall be accompanied by a cash payment to the Township in accordance with a fee schedule adopted by resolution of the Zoning Hearing Board and approved by the Township Board of Commissioners following the enactment of this ordinance, or as such schedule may be amended by resolution of the Zoning Hearing Board and approved by the Township Board of Commissioners.

**Article XX**  
**Violations, Fines, Remedies and Charges**

**§2000. Violations.** Failure to secure a zoning permit or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building or failure to secure a use registration permit shall be a violation of this ordinance.

**§2001. Enforcement Notice.**

- A. If it appears to the township that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
  1. The name of the owner of record and any other person against whom the township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
  6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§2002. Enforcement Remedies.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws, shall, upon being found liable thereof in a civil enforcement proceeding commenced by the township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the township.

**§2003. Causes of Action.** In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Zoning Ordinance, the Township, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon West Pottsgrove Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township Board. No such action may be maintained until such notice has been given.

**§2004. Charges.** The charges for permits, application for special exceptions, application for variance, Zoning Hearing Board certificates, etc. shall be fixed in accordance with a fee schedule adopted by resolution of the Board of Township Commissioners upon the enactment of this ordinance, or as such schedule may be amended by resolution of the Board of Township Commissioners.

**Article XXI**  
**Conditional Uses and Special Exception Conditions**

**§2100. Conditional Uses and Special Exception Conditions.**

- A. Purpose. This Article sets forth conditions and procedures which must be met before a conditional or special exception use can receive approval and be granted a zoning and/or building permit.
- B. General Conditions and Requirements for Conditional Uses and Special Exceptions. The Township Board of Commissioners shall approve any proposed conditional use and the Zoning Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet all of the following general requirements as well as any specific requirements and standards which may be listed, and all other applicable provisions of this ordinance and the Township Subdivision and Land Development Regulations and all applicable state and federal regulations. The general requirements are as follows:
  - 1. In accordance with the Pottstown Metropolitan Area Regional Comprehensive Plan and consistent with the spirit, purposes, and intent of this ordinance.
  - 2. In the best interests of the Township, the convenience of the community, the public welfare, and be a substantial improvement of the property in the immediate vicinity.
  - 3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
  - 4. In conformance with all applicable requirements of this ordinance, and to minimize noxious, offensive or hazardous elements from each use.
  - 5. Suitable in terms of permitting the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools.
  - 6. Suitable in terms of effects on street traffic and safety with adequate sidewalks and vehicular access arrangements to protect major streets from undue congestion and hazard.
  - 7. All utility lines shall be placed underground whenever feasible.
  - 8. Light fixtures shall not be located higher than 12 feet above grade, and shall be shielded to direct light downward. Fixtures shall not be located within parking lots unless they are installed within a raised barrier island, a minimum of five feet wide. 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 screens be considered acceptable for reducing glare.
  - 9. Any visual or functional conflicts between the proposed use and surrounding existing uses shall be kept to a minimum. Increased setbacks, landscaped buffers, fences or other measures may be required by the Zoning Hearing Board/Board of Commissioners to minimize potential conflicts or to reduce anticipated noise levels. Visual functional conflicts include, but are not limited to, loading and unloading areas, parking areas, driveways, active recreation areas or large buildings adjacent to residential neighborhoods or open space areas.
  - 10. Compliance with all applicable federal, state and county laws, codes, regulations, and requirements.
  - 11. Not detrimental to the public health, safety, or welfare.The Township Board of Commissioners and the Zoning Hearing Board may impose whatever conditions regarding layout, circulation, plantings, and its maintenance as a sight or sound screen, and performance it deems necessary to insure that any proposed development will substantially secure the objectives of this ordinance.
- C. Plan Requirements. All applicants for a conditional or special exception use must submit ten sets of site plans to the Zoning Officer when making application for a zoning permit. If the application is considered a land development or subdivision it must also meet the requirements outlined in that ordinance which is in addition to the following site plan requirements:
  - 1. A statement as to the proposed use of the building or land, including the number of employees, students and/or patrons in sufficient detail to indicate the effect of those operations in producing traffic congestion, noise, glare, air pollution, water pollution and fire or safety hazards.
  - 2. A site layout drawn to a scale of not less than one inch equals 50 feet showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - 3. The location, dimensions, and arrangements of all open spaces and yards and buffer yards including methods and materials to be employed for screening.
  - 4. The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading.

5. The site plan shall show all buildings, streets, alleys, driveways, streams, and other topographical features within 200 feet of any lot line.
6. The dimensions, location, and methods of illumination for signs, if applicable.
7. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
8. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.
9. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
10. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards., and a description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards. Where appropriate, the Board of Commissioners/Zoning Hearing Board may require environmental impact statements
11. Building construction plans shall be submitted for any new construction, alterations, additions, or modifications.
12. A traffic impact study, in accordance with **§463: Traffic Impact Study**, may be required by the Zoning Hearing Board/Board of Commissioners to demonstrate the adequacy of access points and surrounding streets to accommodate the projected traffic generated by the proposed development.
13. Any other pertinent data or evidence that the Zoning Hearing Board/Board of Commissioners may require.
- D. Procedures for Special Exception Use. The Zoning Officer shall, within 30 days of site plan submission, if it is in total compliance with the requirements of this Article, submit together with his/her written report the following copies to the Township Planning Commission and Zoning Hearing Board.
  1. Six copies of the plans to the Township Planning Commission for their review and recommendations to the Zoning Hearing Board within 30 days, under the procedures outlined in **Article XIX: Zoning Hearing Board, §1900** et seq.
  2. Three copies of the plans to the Township Zoning Hearing Board for their review and decision under the procedures outlined in **Article XIX: Zoning Hearing Board, §1900** et seq.
- E. Procedures for Conditional Use. The Zoning Officer shall, within 30 days of the site plan submission, if it is in total compliance with the requirements of the Article, submit copies of said plans, together with his/her written report thereon to the Township Planning Commission and the Board of Commissioners/Zoning Hearing Board. A minimum of one copy shall be retained in the Township files. The Township Fire Services should also be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
- F. The following procedures shall be followed to complete the review and to make a decision on the submission:
  1. The Planning Commission shall, within 90 days of receipt of site plans and a report from the Zoning Officer, review and submit a recommendation to the Township Board of Commissioners. Within 90 days of receipt of said recommendation, the Township Board of Commissioners shall review the proposed land use development and approve or disapprove the development. If disapproved, the reasons for disapproval shall be clearly stated on one copy of the submission and returned to the applicant. The Zoning Officer shall deny a Zoning/Building Permit for the proposed development until written approval of the Township Board of Commissioners is obtained. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.
  2. The absence of action on the part of the Planning Commission within the said 90 days shall constitute recommended approval of the site plan, and the Township Board of Commissioners shall proceed on its review on the basis of such approval.
  3. Any person or persons, jointly or severally, aggrieved by any decision of the Township Board of Commissioners may present to the Court of Common Pleas of Montgomery County a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within 30 days after the decision by the Township Board of Commissioners.
  4. A conditional use submission shall not be considered officially accepted for review until any needed zoning variances that are directly relevant to the site layout and the nature of the use is granted. The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.
  5. Submission. A minimum of 15 complete copies of any required site plan shall be submitted to the Township. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Zoning Ordinance. See **§108 (Filing Fees and Costs)** concerning fees.

6. Erosion Control. If earth disturbance is involved, the applicant shall submit a soil and erosion control plan to the Township and the County Conservation District, unless such review will occur under the Subdivision and Land Development Ordinance.
  7. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or Township Board stating whether the proposal complies with this Zoning Ordinance. The Zoning Officer may request a review by the Township Engineer.
- G. Approval of a Conditional Use. The standards of this Section shall not apply to a General Home Occupation. The Township Board shall approve any proposed conditional use if they find adequate evidence that the proposed use will:
1. Meet any specific standards for the proposed use listed in this Article.
  2. Meet other applicable sections of this Zoning Ordinance.
  3. Be in general conformance with the requirements of the Subdivision and Land Development Ordinance, as applicable. Actual approval under the Subdivision and Land Development Ordinance may occur separately from the conditional use approval if the applicant requests.
  4. Meet all of the following standards:
    - a. Other Laws. Will not clearly be in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.
    - b. Traffic. Will not result in significantly adding to a traffic hazard or significant traffic congestion.
    - c. Safety. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.
    - d. Stormwater Management. Will follow adequate, professionally accepted engineering methods to manage stormwater. Stormwater shall not be criteria of a decision under this Zoning Ordinance if the application clearly would be subject to a separate engineering review and an approval of stormwater management by the Township Board under the Subdivision and Land Development Ordinance.
    - e. Neighborhood. Will not significantly negatively affect the desirable character of an existing or approved residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night or early morning hours of operation.
    - f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.
    - g. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Zoning Ordinance, as stated in Article V.
  5. The Planning Commission shall be given an opportunity to review a conditional use application and submit a recommendation to the Township Board.
  6. The Township Board of Commissioners shall not act to approve or deny a conditional use application unless:
    - a) the Township Board has received the reports of the Zoning Officer and the Planning Commission; or b) unless a period of 60 days has passed from the date of the application.
  7. The Township Board shall approve, conditionally approve or disapprove a conditional use submission. In granting a conditional use, the Township Board may require such reasonable conditions and safeguards (in addition to those expressed in this Zoning Ordinance) as it determines are necessary to implement the purposes of this Zoning Ordinance.
  8. The decision of the Township Board shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or their representative.
  9. Subdivision and Land Development Ordinance. If an applicant requests, a conditional use application shall be reviewed during the same process as a land development or subdivision application.
- H. Specific Requirements for Selected Uses. Each conditional use/special exception use shall be in compliance with and satisfy at a minimum all of the following specific standards listed for the use:
1. Sanitary Landfill, Facilities for the Storage, Treatment, Processing, and/or Disposal of Solid Waste; Recycling Facilities; Resource Recovery Facilities; Incinerator; Methane Gas Plant; and any Substantially Similar Use, where permitted, in conjunction with the following conditional use criteria:
    - a. Procedure Requirements. Each proposed use shall be in accordance with an overall subdivision and/or land development plan which shall contain detailed plans and information as required by the Township Subdivision and Land Development Ordinance, and by **§2100.B. (General Conditions and Requirements for Conditional Uses and Special Exceptions)** of this Article. In addition, the following information shall also be shown on the plans submitted for approval in addition to those requirements as set forth in the Subdivision and Land Development Ordinance:
      - i. Plan of General Area (within a one-mile radius of site) at a scale of 1,000 feet to the inch or less with a 20-foot contour interval or less to show:
        - (a) Existing Data

- (1) Location of proposed site.
    - (2) Land use patterns including building locations and historical buildings and architectural sites, and owners of adjacent properties.
    - (3) Roads indicating major roads and showing width, weight loads, types of surfaces and traffic data.
  - (b) Proposed Data
    - (1) Subdivisions.
    - (2) Parks, schools, and churches.
    - (3) Highways (new and reconstructed).
    - (4) Other uses pertinent to proposal.
- ii. Plan of Proposed Site at a scale of 100 feet to the inch or less with a 5-foot contour interval or less to show:
  - (a) The location of public and private water lines, supplies, wells, springs, streams, swamps, rivers, and other bodies of water, and public and private sewer lines and septic systems.
  - (b) The location of underground and surface mines showing the extent of deep mine workings, elevation of the mine pool, and location of mine pool discharges.
  - (c) The location of gas and oil wells.
  - (d) The location of high-tension power line rights-of-way.
  - (e) The location of pipeline rights-of-way.
  - (f) The location of geologic and hydrologic features.
  - (g) The floodplain and location of the site or facility within that floodplain, and stormwater runoffs.
  - (h) The location of public and private recreational areas.
  - (i) A soils, geologic, and groundwater report.
  - (j) Wind data—direction and percentage of time.
  - (k) Final grading contours.
  - (l) Ultimate use and ownership of site after completion of operations.
  - (m) An access road survey, which shall include the following:
    - (1) A statement as to the estimated number of vehicles weighing over 20,000 pounds, loaded, which are expected to use the landfill or other solid waste disposal site on a daily basis during the first two years of operation; and
    - (2) A plan indicating all roads anticipated to be used as access roads, as defined herein.
  - (n) Applicant shall be required to submit any and all plans, applications, data, materials, studies, and information to the Board of Commissioners as is required to be submitted to the PADEP pursuant to the Pennsylvania Solid Waste Management Act, its regulations and standards. All such materials shall be certified by the Applicant to be true and correct copies of the original materials filed with the Department. Said plans and information shall be reviewed to determine compliance with the West Pottsgrove Township Subdivision and Land Development Ordinance.
  - (o) Wetland Assessment. Applicants shall perform a wetlands assessment and delineation to determine the appropriate wetlands boundary and buffer zone using Federal Environmental Protection Agency and/or Corps of Army Engineers criteria and methods.
- b. Public Safety and Health Standards.
  - i. Such sites or facilities shall comply with all applicable federal and state rules, regulations, and requirements, and with the requirements of any Solid Waste Management Ordinance now and hereafter enacted by West Pottsgrove Township
  - ii. A 100-foot buffer zone shall be established adjacent to perimeter property lines or when the property borders a road, to the ultimate right-of-way line of adjacent public roads. No solid wastes shall be deposited or stored within the buffer zone.
  - iii. Within said buffer zone, two parallel rows of dense shrubbery, not less than six feet high at time of planting, with centers set approximately eight feet apart, as well as trees, shrubs, and other suitable vegetation, shall be planted and landscaping provided in a manner acceptable to the Township Commissioners to fully obscure any view of the site or facility from public roadways and adjacent public or private properties; and to maintain, preserve, and enhance the environmental integrity of the surrounding area. The lot owners shall maintain the buffer to produce desired effect.
  - iv. Such sites or facilities shall be completely enclosed by chain-link fencing, or such other durable fencing as approved by the Township Commissioners, which fencing shall be no less than 6 feet in height of 10 feet. All fencing shall be set back at least 15 feet from the property line and may be located in the buffer zone.

- v. The burning or incineration of solid wastes shall be prohibited unless carried out in a completely enclosed incinerator as approved by PADEP, and if applicable the Federal Environmental Protection Agency. The burning or incineration process shall be conducted at a temperature which will affect a clean burn and meet all applicable Federal and State Clean Air Standards using best available technology (BAT) criteria.
- vi. No site or facility shall be permitted or established on any portion of a site which is subject to flooding, chronic wetness or is located within a floodplain, flood fringe or in areas where continuous or intermittent contact occurs between solid waste and the groundwater table.
- vii. The disposal of hazardous waste in any form shall be prohibited at such site or facility; provided, however, that the disposal of any by-pass residue or ash waste generated from an incinerator approved as required in (e) above shall be permitted. All ash or residual waste from such an approved incinerator or resource recovery plant shall quarterly be tested and pass such PADEP or applicable Federal agency toxicity tests as are required prior to being landfilled. Such wastes shall be deposited in a segregated area in the landfill site. In the event such incinerator waste is determined by the PADEP or any applicable Federal Agency to constitute "Hazardous Waste" it shall be removed from the landfill site and disposed of in an approved hazardous waste disposal facility.
- viii. Such sites and facilities shall be operated and maintained in such manner so as to minimize health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents, or vermin and to eliminate conditions which create safety hazards, odors, dust, unsightliness, excessive noise, toxic or obnoxious fumes, public nuisances, or impose a hardship on adjoining property owners or result in an undue burden upon the Township, its municipal services, and infrastructure.
- ix. All equipment shall be stored inside totally enclosed buildings, or screened from the view of adjacent properties and streets.
- x. No solid wastes shall be stored outdoors or in any such manner as to permit dispersal or exposure to the natural elements. Resource Recovery Facilities shall include fully enclosed areas for Acceptable Waste tipping and storage. The total capacity of the storage pit shall be equivalent to at least 3 days tonnage of solid waste based on a maximum daily facility operating capacity. All storage of solid waste shall occur within fully enclosed areas.
- xi. Access to any such site or facility shall be limited in the following manner.
  - (a) Access to the site or facility shall be limited to normal operating hours. Attendants shall be present at the site during all operating hours.
  - (b) A gate or barrier as approved by the Township at the entrance to the site or facility shall be erected to block access to the site or facility.
  - (c) Energy resource facilities, such as methane gas plants and waste incinerators may operate on a 24-hour basis; provided that waste delivery hours for all sites or facilities shall be from 6:00 a.m. to 6:00 p.m. and on weekends from 6:00 a.m. to 12:00 p.m. on Saturdays. No waste deliveries shall be permitted at any other time unless approved in advance by the Township. Additionally, the site or facility shall be closed to waste deliveries on the following holidays:
    - (1) Christmas Day;
    - (2) New Year's Day;
    - (3) Thanksgiving Day;
    - (4) Labor Day;
    - (5) Memorial Day; and
    - (6) Fourth of July.
  - (d) Hours of operation and other limitations regarding access to the site or facility shall be prominently displayed on a sign at the entrance. The sign shall have a minimum size of 3 feet by 4 feet and a maximum of 35 square feet.
  - (e) Operators shall, upon request, provide access keys to the facility for emergency personnel.
  - (f) Emergency operations of the site or facility are permitted following notice to the Township at times other than the normal waste delivery hours.
- xii. Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility (which measures the procedures shall be not less stringent than the Township fire prevention ordinance or regulations), including, among others, the following measures and procedures:
  - (a) Water of adequate volume and pressure, as determined by the Township Engineer after consultation with the Township Manager, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards, shall be



- available at the site. In addition, the site or facility shall have an adequate fire control plan which shall be approved by the Township Fire Marshal and the Township Manager.
- (b) All buildings shall conform to applicable BOCA National Fire Code requirements, and Pennsylvania Department of Labor and Industry requirements, and all equipment shall be equipped with functional fire extinguishers.
  - (c) All employees shall, prior to commencing work at the site or facility, undergo a training program, in cooperation with local fire departments, designed to teach basic fire fighting techniques.
  - (d) Telephone or radio communication shall be located at the site or facility, and shall be readily available or accessible. Furthermore, a list of all emergency numbers shall be provided for the plant operators. The Township shall be provided with information noting the names, addresses, and phone numbers of the appropriate plant officials to be contacted in cases of an emergency.
  - (e) All sites or facilities shall have on site during all operating hours at least one person certified in First Aid Cardio-Pulmonary Resuscitation by the American Red Cross, or the equivalent.
- xiii. The site or facility shall be adequately policed, and adequate provision shall be made to prevent the dispersal or accumulation of any litter on or off site, and to prevent dust, fumes, or debris from interrupting, hampering, or obstructing operations at the site or facility or from causing health or safety hazards or public nuisances. Combustion air required for the furnace/boiler units shall be drawn directly from the waste storage pit. The receiving and storage building shall be maintained under a negative pressure when the furnace/boiler units are in operation.
  - xiv. Any burning or incineration process shall be equipped with adequate air pollution or emissions control devices and equipment to prevent any degradation of the quality or integrity of the environment below standards as promulgated by PADEP or the Federal Environmental Protection Agency. The facility's stack height shall be designed with consideration given to requirements of Good Engineering Practices (GEP) regulations, and features of local terrain, and in compliance with FAA regulations.
  - xv. The operator of such site or facility shall take appropriate measures to guarantee that all waste materials shall remain within the transportation vehicles utilizing or transporting solid waste to or from the site or facility until disposal at the landfill site.
  - xvi. No site or facility shall be operated which does not conform to any applicable state and federal rules, regulations, and requirements regarding air pollution and emissions control or the protection and preservation of streams, waterways, or any natural resources. The Resource Recovery Facility's compliance with all applicable ambient air quality standards, PSD allowable increments, acceptable ambient concentrations for toxic substances, and other applicable ambient criteria, shall be demonstrated by means of an air quality impact analysis.
  - xvii. Truck traffic and truck access to any such site or facility shall be arranged so as to minimize danger to or the interruption of normal traffic flow and so as to prevent any nuisance to adjacent or surrounding properties.
  - xviii. Every recycling facility, energy resource recovery facility, incinerator, or other facility having or generating residues, residual wastes or other wastes as a result of the conduct or operation of such facility, shall submit evidence of effective and binding contractual agreements with PADEP permitted sites for the proper disposal of any such wastes where the wastes will not or cannot be stored or disposed of on site.
  - xix. Each site shall be subject to the off-street parking and loading requirements contained in **Article XV: Off-Street Parking and Loading** of this ordinance. All uses shall be considered industrial establishments for the purpose of computing the number of required parking spaces.
  - xx. Each site, including but not limited to recycling facilities, Energy Resource Recovery Facilities, incinerator, storage facilities, treatment or processing facilities and all related operations, shall be designed to meet the performance standards regarding noise levels as set forth in **§438: Noise Control and §447: Prohibited Uses and Performance Standards** of this ordinance.
  - xxi. The Resource Recovery Facility shall include permanent structures capable of storing at least 1,350 tons or 3 days of residue, with provision for additional storage capability as required, based on a density of 2,000 pounds per cubic yard. All storage of residue shall occur within fully enclosed areas with impervious floors, providing drainage collection and a means for re-circulating the drain water. The fly ash shall be conditioned to minimize dust problems. The combined bottom ash and fly ash shall be transported in water-tight, covered containers. Residue from the facility shall not contain more than 5 percent combustible content, by weight, and shall not contain more than 0.3 percent

putrescible content, by weight, both on a dry basis. The residue shall be transported in water-tight covered containers to the storage facility.

- xxii. No less than 180 days from the Commencement Date of Operations of a Resource Recovery Facility, a plan for implementing standard procedures related to the operation of the facility (Operating Plan) shall be submitted to the Township. The facility shall be operated in accordance with such Operating Plan. The Operating Plan shall incorporate procedures for the following:
  - (a) Scale and traffic control.
  - (b) Safety rules and regulations for vehicles.
  - (c) Screening procedures to prevent delivery of hazardous waste.
  - (d) Scope of litter collection activities.
  - (e) Safety rules and regulations for visitors and town representatives visiting the facility.
  - (f) Handling and disposal of waste accepted that cannot be processed.
  - (g) If applicable, operation of a Citizen's Drop-off Center and the Citizen's Recycling Center.
2. Nonresidential Uses
  - a. All properties shall be located on a feeder or higher classification road.
  - b. Drop-off/pickup areas shall be located off-street.
  - c. Service areas. Loading and unloading areas, dumpsters and similar site elements shall be located in the rear of the property unless the Township Board of Commissioners determines that such facilities located in the side of the property will have less impact on abutting properties or are more efficient than facilities to the rear.
  - d. Particularly when located within residential districts (and in cases when the Board of Commissioners/Zoning Hearing Board determines appropriate), these uses shall be designed to fit into the residential neighborhood through techniques such as the use of offsets in facades and roof lines, no blank walls, a height similar to that of buildings in the vicinity, a similar roof pitch (if applicable), similar wall-to-window ratios, and other design elements.
3. Business Campus, where permitted, subject to the following conditional use criteria:
  - a. The minimum site shall be 10 acres.
  - b. The site shall be under single ownership and control at the time of application for a planned industrial park and shall be planned as a unit, including proposed sites for development and means of access to them, with the objective of minimizing the number of points of access to existing public streets.
  - c. Approval of a planned industrial park plan which specifies proposed uses shall encompass the approval of those uses without any further application for a conditional use or use by special exception, unless a use not approved as part of the planned industrial park plan is proposed.
  - d. Upon approval of a planned industrial park plan, the plan shall be recorded in the County Recorder of Deeds office, and the future uses of each of the lots within the recorded plan shall be permitted uses if approved as part of the planned industrial park plan. Any use which is not approved as part of the planned industrial park plan shall be approved in accordance with the procedures for any permitted use, conditional use or use by special exception authorized in the district in which the site is located.
  - e. Off-street parking and loading areas shall be provided as required by **Article XV: Off-Street Parking and Loading** of this chapter.
  - f. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
4. Kennels or animal hospitals, where permitted, subject to the following conditional use criteria, and provided the standards of **§429: Kennels (and Animal Hospitals)** are complied with.
5. Automotive sales and mobile home sales and displays, where permitted, subject to the following special exception standards:
  - a. New and used vehicle sales and service establishments shall be limited to those establishments which are factory-authorized dealerships or which have obtained a license from the Commonwealth of Pennsylvania to operate a used car dealership.
  - b. The minimum lot area required shall be one acre.
  - c. The property shall have frontage on and direct vehicular access to an arterial or collector street (as defined by the Montgomery County Comprehensive Plan, 2005).
  - d. The area used for display of automobiles and related merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete or asphalt over a base of crushed stone compacted to not less than six inches in depth. Mobile home sales shall be required to install and maintain crushed stone compacted to not less than six inches in all areas, with concrete or asphalt paving optional at the owner's discretion.
  - e. The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute

and the Pennsylvania Department of Environmental Protection (DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the DEP permits shall be a violation of this chapter and shall be subject to the enforcement provisions of **Article XX: Violations, Fines, Remedies, and Charges**.

- f. All lots used for the outdoor display of vehicles shall have a completely enclosed building on the same lot, which has not less than 2,000 square feet of gross floor area, where all repair, servicing, sales and customer car-washing shall be performed.
- g. No vehicle or other merchandise displayed outdoors shall be less than five feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- h. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for the safe and lawful operation thereof on the streets and highways
- i. All lights and light poles shall be located at least 10 feet from any street right-of-way or property line, and all lighting shall be shielded and reflected away from adjacent streets and properties.
- j. No oscillating or flashing lights shall be permitted on the lot, on any of the structures or poles on the lot or on any merchandise displayed outdoors.
- k. No strings of lights or flags, flashers or other display paraphernalia shall be permitted on the lot, on any of the structures or poles or on merchandise displayed outdoors, except for such signs as may be otherwise allowed by **Article XV: Signs** of this chapter.
- l. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- m. Customer vehicles with external damage awaiting repairs shall be located either inside a building or in an outdoor area which is screened by a six-foot compact hedge or opaque fence.
- n. All property boundaries shall be screened as required by the SALDO.
6. Campgrounds, where permitted, subject to the following conditional use criteria:
  - a. The minimum site required shall be 10 acres.
  - b. All property boundaries shall be screened as required by the SALDO.
  - c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
  - d. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
  - e. Developments which include swimming pools shall comply with the provisions of **§461: Swimming Pools, Non-Household** of this chapter.
7. Car washes, where permitted, subject to the following special exception criteria:
  - a. All automated washing and drying facilities shall be in a completely enclosed building. All other car-washing facilities shall be under a roofed structure which has at least two walls.
  - b. Drainage water from the washing operation shall be controlled so that it does not flow, drain onto, or freeze on streets or adjacent properties. Water used in the operation shall be collected and recycled.
  - c. No portion of the lot used for washing shall be within 100 feet of a residential district.
  - d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00pm and 7:00am. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
  - e. The facility shall be connected to public sewers and shall have all required approvals from the DEP.
  - f. Automatic car washes shall provide stacking lanes to accommodate a minimum of ten automobiles for the first washing bay on the site, and two automobiles for each additional washing bay on the site; in addition, stacking lanes shall be provided to accommodate up to three automobiles per lane after servicing; an additional space shall be provided for each special service area (other than washing). One parking space for every 200 square feet of gross leasable floor area not contained in the washing area shall also be provided. Self-service car washes shall provide stacking lanes to accommodate a minimum of four automobiles for the first washing bay on the site, and one additional automobile for each additional washing bay. The standing spaces shall not interfere with the free flow of traffic on the site and shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties or streets. A minimum of five off-street parking or waiting spaces shall be provided on the same site for each car washing stall or space. The location of parking shall be such as not to require the re-entry of cars into the street, or the re-crossing of sidewalks to gain access into the actual car washing facilities.
  - g. Driveway entrances shall be located at least 30 feet from the right-of-way line of the intersection of any public streets.
  - h. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets, and on-lot traffic

- circulation channels and parking areas shall be clearly marked.
- i. Adequate provisions shall be made for the proper and convenient disposal of refuse.
- j. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
- k. All washing operations shall be conducted within an enclosed building or structure.
- l. No less than one trash receptacle per washing lane, in addition to required dumpster, shall be located near the washing or vacuuming area.
- m. Any car wash which also dispenses gasoline shall meet all applicable requirements of **§404: Auto Repair Garage or Service Station**.
- 8. Cemeteries, subject to the following conditional use criteria:
  - a. Plans for ingress and egress shall be referred to local police officials for comments regarding public safety. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- 9. Places of Worship, where permitted, shall meet all applicable requirements of **§444: Places of Worship**, and subject to the following conditional use criteria:
  - a. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
  - b. All lights shall be directed away from adjacent properties and shielded to prevent glare.
  - c. All property boundaries shall be screened as required by the SALDO.
  - d. Shall be required to complete a traffic study in conjunction with **§463: Traffic Impact Study**, when required by the Board of Commissioners.
- 10. Accessory Uses to Places of Worship, shall meet all applicable requirements of **§444: Places of Worship**, and subject to the following Special Exception criteria:
  - a. The Zoning Hearing Board shall consider the impact of the proposed activities on the ability of the site to sustain it and the impact on the surrounding neighborhood
  - b. Demand on available parking, scheduling and coordination of events, the hours of operation, and special restrictions shall be evaluated.
- 11. Communications towers, where permitted by conditional use, in conjunction with **§408: Cellular/Digital Communications Antennae and Antenna Support Structures**.
- 12. Day-care centers, where permitted, in conjunction with **§413: Day Care Services**, and subject to the following special exception criteria:
  - a. The day-care center shall be licensed or certified, as required by the commonwealth, and shall maintain the necessary license or certification throughout its operation.
  - b. Ingress and egress to the site shall be designed to assure safety and safe areas for discharging and picking up children shall be provided which do not interfere with the free flow of traffic on adjacent streets.
  - c. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.
  - d. Outdoor play areas which adjoin residential lots shall be screened by a six-foot compact evergreen hedge.
  - e. The general safety of the site proposed for a day-care center or preschool facility shall be evaluated as it relates to the needs of small children.
  - f. Off-street parking shall be provided in accordance with the requirements of **Article XV: Off-Street Parking and Loading**.
- 13. Group Home, where permitted, subject to the following conditional use criteria:
  - a. Minimum lot size: 2 gross acres
  - b. No group home shall be established within 1,000 feet of another group home.
  - c. The site proposed for a group-care facility shall have frontage on and direct vehicular access to an arterial or collector street, as defined by the Montgomery County Comprehensive Plan, 2005.
  - d. Twenty-four-hour supervision shall be provided by qualified staff.
  - e. Adequate open space opportunities for recreation shall be provided on the site for the residents, consistent with their needs.
  - f. Where applicable, certification or licensing by the sponsoring agency shall be a prerequisite to obtaining a certificate of occupancy, and a copy of an annual report with evidence of continuing certification or licensing and continuing compliance with all conditions of zoning approval shall be submitted to the Township Zoning Officer in January of each year.
- 14. Motel or Hotel, where permitted, subject to the following special exception criteria:
  - a. The minimum site required shall be two acres.
  - b. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by the Montgomery County Comprehensive Plan, 2005.
  - c. Ingress, egress and traffic circulation on the site shall be designed to ensure safety and minimize

- congestion and impact on local streets.
- d. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- e. Site lighting, if proposed, shall be shielded and directed away from streets and neighboring properties.
- 15. Private clubs, where permitted, subject to the following conditional use criteria:
  - a. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
  - b. All lights shall be shielded away from adjacent properties.
  - c. Off-street parking and loading facilities shall be provided in accordance with the requirements of **Article XV: Off-Street Parking and Loading** chapter.
  - d. Swimming pools, if proposed, shall be subject to the provisions of **§461: Swimming Pools, Non-Household**.
- 16. Schools and colleges, where permitted, subject to the following conditional use criteria:
  - a. Facilities which are subject to licensing by the commonwealth shall show evidence of the license and the continued certification of the license.
  - b. No storage of equipment or material shall be permitted outside a structure.
  - c. All lights shall be shielded and reflected away from adjoining property.
  - d. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
  - e. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. Swimming pools shall be subject to the provisions of **§461: Swimming Pools, Non-Household**.
- 17. Distribution or trucking establishment where permitted, subject to the following special exception criteria:
  - a. A minimum lot size of two (2) acres is required for trucking terminals.
  - b. The site shall have frontage on and direct vehicular access to an arterial or collector street (as defined by the Montgomery County Comprehensive Plan, 2005).
  - c. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
  - d. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
  - e. Outdoor lighting shall be shielded and reflected away from streets and adjoining properties.
  - f. All materials and equipment shall be stored within a completely enclosed structure.
  - g. No repair of vehicles shall be permitted.
  - h. No shipping or receiving shall be permitted within 300 feet of a residential zoning district between the hours of 6:00 p.m. and 7:00 a.m.
- 18. Where community Center or library are permitted by conditional use, they shall be subject to the following criteria:
  - a. The site shall have frontage on and direct vehicular access to an arterial or collector street (as defined by the Montgomery County Comprehensive Plan, 2005).
  - b. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways. The Board of Commissioners may require a Traffic Impact Study be completed by the applicant if they deem it necessary [see **§463: Traffic Impact Study**].
  - c. Community centers shall have a minimum lot size of one acre.
  - d. Outdoor lighting shall be shielded and directed away from streets and adjoining properties.
  - e. Swimming pools at community centers shall be subject to the provisions of **§461: Swimming Pools, Non-Household**.
  - f. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.

## Article XXII Amendments

**§2200. Power of Amendment.** The Board of Township Commissioners may, from time to time, amend, supplement, change, modify or repeal this ordinance, including the Zoning Map, by the procedures noted herein.

**§2201. Amendment by Board of Commissioners.** The Board of Township Commissioners shall fix the time and place of a public hearing on a proposed amendment and cause public notice thereof to be given as follows:

- A. By publishing a notice thereof in advance of said hearing, and if the zoning amendment involves a zoning map change, by posting the effected premises, said notice and posting to be in accordance with the provisions of the Pennsylvania Municipalities Planning Code as amended.
- B. The notice shall state the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.

**§2202. Application by Citizens for Amendment to Zoning Ordinance.** Every application for amendment of the Zoning Ordinance other than a curative amendment, shall first be presented to the Zoning Officer in writing, and shall contain the following:

- A. The applicant's name and address and his/her representative and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land uses and zone classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area.
- E. A site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.
- F. Information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities, and any other information.

**§2203. Application for Curative Amendments.** A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use of land in which he has an interest, may submit a curative amendment to the governing body with a written request that his/her challenge and proposed amendment be heard at a public hearing and decided subsequent thereto. See §609 and §916.1 of the Pennsylvania Municipalities Planning Code. For a curative amendment request, the applicant shall at a minimum compensate the Township for all actual expenses for legal advertising; in addition the applicant shall be responsible for any other fees related to the request. Fees for curative amendments shall be paid in accordance with a fee schedule to be adopted by resolution or ordinance by the Board of Commissioners. Such fees shall be designed to cover the costs of administering the Curative Amendment application, for the cost of advertising and mailing notices, and such other costs as are required by this ordinance. All fees shall be paid into the Township Treasury.

The application for Curative Amendments initiates the following procedure:

- A. The governing body shall commence a hearing thereon within 60 days of the request. In addition, the governing body shall refer the proposed amendment to the Township Planning Commission and the Montgomery County Planning Commission for review and give proper notice for the hearing.
- B. Within the procedural requirements of the PA. Municipalities Planning Code (see §609 and §610), the Township Board may amend, "cure" or repeal any or all portions of this Ordinance on:
  1. Its own motion; or
  2. Upon agreeing to hear a written request of any person, entity or the Planning Commission.
- C. Review of Ordinance Amendments.
  1. For a proposed amendment that was not prepared at the direction of the Planning Commission, the Township Board shall submit each amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment and permit the Planning Commission an opportunity to provide recommendations.
  2. County Review. The Township shall submit the proposed amendment to the Montgomery County Planning Commission for recommendations at least 30 days prior to the hearing on the proposed amendment. No action shall be taken by the Township Board until County comments are received, unless 30 days pass without comments being received.
- D. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Township officials, then

at least 10 days prior to the hearing on the proposed change, the applicant shall be sent or have delivered to him/her in person written notice of the proposed change including the hearing date and time and a Township official to contact for more information. The notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

**§2204. Planning Commission Referral.** The Board of Township Commissioners shall refer each request for change or amendment to the Township Planning Commission and the Montgomery County Planning Commission for review and recommendation at least 30 days prior to the hearing on the amendment.

**§2205. Fee.** For the purpose of defraying expenses of advertising, etc., applications for amendments shall be accompanied by cash payments to the Township in accordance with a fee schedule adopted by resolution of the Board of Township Commissioners upon the enactment of this ordinance or as such schedule may be amended by resolution of the Board of Township Commissioners.

Enacted and Ordained by the Board of Township Commissioners of the Township of West Pottsgrove this

\_\_\_\_\_  
PRESIDENT

Attest:

\_\_\_\_\_  
SECRETARY

DATE: \_\_\_\_\_





**Appendix**  
**Zoning Code: Use Matrix (for Reference)**

<b>Zoning: Use Table, West Pottsgrove Township</b>									
<b>Y=By-Right, C=Conditional Use, S=Special Exception</b>									
<b>This table is intended as a quick reference tool and does not supersede any parts of the zoning code.</b>									
	<b>District</b>								
<b>Use</b>	<b>PRC</b>	<b>CB</b>	<b>I</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RR</b>	<b>RR-1</b>	
<b>Agriculture</b>				<b>Y</b>					
<b>Animal Hospital or Kennel</b>			<b>S</b>						
<b>Antenna, Cellular and Digital Communications</b>			<b>C</b>						
<b>Assembly and fabrication of iron, steel, and metal products</b>			<b>Y</b>						
<b>Automobile Fueling Station</b>		<b>S</b>							
<b>Automotive Garage or Service Station</b>		<b>S</b>							
<b>Automotive Sales</b>		<b>S</b>	<b>S<sup>4</sup></b>						
<b>Bakery or Café</b>	<b>Y</b>								
<b>Bank or Financial Institution</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>						
<b>Bed &amp; Breakfast</b>				<b>S</b>					
<b>Boarding or Rooming House</b>			<b>S</b>						
<b>Business Campus</b>			<b>C</b>						
<b>Business or Personal Office (see Office)</b>									
<b>Business or Trade School</b>		<b>Y</b>	<b>Y</b>						
<b>Business Service Establishment</b>	<b>Y</b>								
<b>Canning (see Manufacturing)</b>									
<b>Car Wash</b>		<b>S</b>							
<b>Cemetery</b>				<b>C</b>					
<b>Club/Fraternal Institution/Lodge</b>		<b>Y</b>				<b>C</b>			
<b>Commercial Greenhouse or Nursery</b>		<b>Y</b>	<b>Y</b>						
<b>Community Center</b>		<b>S</b>		<b>C</b>	<b>C</b>	<b>C</b>			
<b>Convenience Store</b>	<b>Y</b>	<b>Y</b>							
<b>Day Care Center</b>	<b>S</b>								
<b>Distribution or Trucking Establishment</b>		<b>S</b>							
<b>Dry Cleaner</b>		<b>Y</b>	<b>Y</b>						
<b>Duplexes</b>						<b>Y</b>			
<b>Family Day Care</b>				<b>S</b>	<b>S</b>	<b>S<sup>1</sup></b>			
<b>Funeral Home</b>		<b>Y</b>							
<b>Gas Sales Accessory to Retail or Grocery</b>	<b>Y</b>								

<b>Governmental (see Municipal Uses)</b>								
<b>Use</b>	<b>PRC</b>	<b>CB</b>	<b>I</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RR</b>	<b>RR-1</b>
Grocery Store		Y						
Group Day Care				S				
Group Home				S				
Hotel or Motel		S						
Indoor Amusement		Y						
Industrial Park, Planned			C					
Job Printing or Publishing (see Printing or Publishing)		S						
Kennel (see Animal Hospital or Kennel)								
Landfill, Sanitary							C	
Laundry		Y	Y					
Library		S		C	C	C		
Manufacturing <sup>3</sup> or Canning			Y/S					
Medical Clinic		Y						
Metal Processes			Y					
Methane Gas Plant							C	
Mobile Home Sales and Display			S					
Multifamily						C		
Multiple Principal Uses			S					
Municipal Uses	Y			Y	Y	Y		
Nursing Home			C					
Office (Business or Personal)	Y					<sup>1</sup>		
Office, Professional		Y				<sup>1</sup>		
Parks, Open Space <sup>2</sup>		Y	Y	Y	Y	Y	C	C
Personal Service Shop	Y	Y						
Petroleum Storage			S					
Public Facilities, Township							C	C
Printing or Publishing		S	Y					
Public Facilities							C	
Recycling Facilities							C	C
Religious Use				C	C	C		
Resource Recovery Facility								C
Restaurant	Y	Y						
Retail Store	Y	Y						
School	Y			C	C	C		
Self-Storage Development			Y					

Use	PRC	CB	I	R-1	R-2	R-3	RR	RR-1
Shopping Center		S						
Single-Family Attached Residential						Y		
Single-Family Detached Residential				Y	Y	Y		
Solid Waste Facilities							C	
Sportsmen's Club					S			
Studio	Y	Y						
Supermarket and other Grocery Store	Y							
Trucking Establishment		S	S					
Twin Dwellings						Y		
Utility, Government or Public <sup>4</sup>			Y					
Vehicle Repair Garages and Heavy Equipment Sales and Service			S					
Veterinary Clinic		Y						
Warehouse, Office or Storage			Y					
Wholesale Office or Showroom		Y	Y					
Wood and Lumber, Bulk Processing			Y					
<sup>1</sup> Some offices are permitted in the R-3 District; see district regulations for more detail								
<sup>2</sup> May include playground or tot-lot; see district regulations for details								
<sup>3</sup> See district regulations for specific types of manufacturing permitted								
<sup>4</sup> Includes Mobile Home Sales and Display								