

**WEST POTTS GROVE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF WEST POTTS GROVE, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE RCO ROUTE 100 COMMERCIAL OVERLAY DISTRICT FOUND AT ARTICLE XIII OF ORDINANCE NO. 2009-10, KNOWN AS THE WEST POTTS GROVE TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the West Pottsgrove Township has the authority pursuant to section 1502.1 of The First Class Township Code, 53 P.S. § 56502.1, and section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, to enact and amend land use ordinances as the Board of Commissioners shall deem beneficial to Lower Pottsgrove Township; and

WHEREAS, the Board of Commissioners adopted Ordinance No. 2009-10 known as The West Pottsgrove Township Zoning Ordinance of 2009;

WHEREAS, the Board of Commissioners adopted Ordinance No. 2012-02 effectively amending The West Pottsgrove Township Zoning Ordinance of 2009, as amended, which added a new zoning district under and pursuant to new Article XXIII titled “RCO Route 100 Commercial Overlay District”; and

WHEREAS, the Board of Commissioners has determined that certain amendments to the RCO Route 100 Commercial Overlay District are warranted to further enhance and encourage commercial and residential developments deemed beneficial to the public, health, safety and welfare.

NOW, THEREFORE, the Board of Commissioners of the West Pottsgrove Township does hereby enact and ordain as follows:

SECTION 1. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2301.A. “By-Right Uses”, is amended by adding the following:

(16) Car wash, subject to Section 2100 H. 7 of Article XXI of the West Pottsgrove Township Zoning Ordinance of 2009, as amended.

(17) Apartments, subject to Section 437 of Article IV of the West Pottsgrove Township Zoning Ordinance of 2009, as amended, provided, however, Sections 437 A, F, G, H, J, L, O, R and T are superseded by the provisions of the RCO Route 100 Commercial Overlay District and shall not apply to developments in the RCO Route 100 Commercial Overlay District.

SECTION 2. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overly District”, § 2301.B. “Conditional Use”, is amended by deleting § 2301.B.(1) in its entirety.

SECTION 3. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overly District”, § 2302.A. “Dimensional Standards”, is amended by adding the following:

Maximum height for apartment buildings shall not exceed 50 feet or 4 stories, exclusive of basements, whichever is greater. Open space shall be included in the calculation of Lot area.

For apartment uses, the minimum building setback from a property line shall be 25 feet.

Parking setback is not required among lots created within the RCO Overlay District development, among adjacent RCO Overlay District developments, or along tract lines abutting a street.

SECTION 4. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overly District”, § 2302.B. “Access”, is amended by replacing same with the following:

B. Access.

(1) Access to the RCO Route 100 Commercial Overlay District acreage in West Pottsgrove Township shall include a main access driveway at the signal light on Upland Square Drive.

(2) Development beyond the West Pottsgrove Township RCO Route 100 Commercial Overlay District into Upper Pottsgrove Township shall require an access driveway on N. State Street, as no cross easement shall be permitted to extend from Upper Pottsgrove Township to West Pottsgrove Township absent the providing of an access drive on N. State Street.

(3) Access driveways referenced in §2302. B(1) above shall comply with §431.6 of the West Pottsgrove Township Subdivision and Land Development Ordinance.

SECTION 5. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2303 “Additional Development Standards”, is amended by replacing § 2303.D. with the following:

D. If individual parcels of land are subdivided within the RCO Overlay District, each individual parcel shall be provided with access easements guaranteeing access to Upland Square Drive pursuant to the approved land development plan for the development.

SECTION 6. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2304 “Landscaping, Buffers and Screens”, is amended by replacing same with the following:

§2304. Landscaping, Buffers and Screens. A buffer and screen are not required among lots created within the RCO Overlay District development, among adjacent RCO Overlay District developments, or along tract lines abutting a street. Except modified and superseded by this §2304, RCO Overlay District developments shall be subject to the landscaping and buffering requirements of §434 of the West Pottsgrove Township Subdivision and Land Development Ordinance with respect to parcels located outside of the RCO Overlay District. In the RCO Overlay District, the following landscaping regulations shall supersede the corresponding provision(s) of the Subdivision and Land Development Ordinance and the total number of trees required by §430 of the Zoning Ordinance.

A. Where a proposed land development abuts a residential use outside of the RCO Overlay District, a screen buffer shall be required adjacent to any residential zoning district. A screen buffer shall consist of 8 evergreen trees, 2 understory (flowering trees), 2 canopy trees and 10 shrubs per 100 lineal feet of property line, Such buffer shall be no less than 25 feet wide.

SECTION 7. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2306 “Signs”, is amended by replacing same with the following:

§2306. Except as provided in this Section, signs in the RCO Overlay District shall be regulated in accordance with §801.C.5 for PRC-Planned Retail Center District. Within the RCO Overlay District, the following shall superseded §801.C.5 and apply to Wall Signs:

A. Each wall sign shall have a maximum area of 10% of the exterior wall area of the wall to which the sign is attached (including window and door area and cornices).

- B. The total area of all wall, awning/canopy, and projecting signs shall be limited to 2.0 square feet per one linear foot of aggregate building frontages that face a public street or public parking lot, subject to maximum size limitations based on sign type.

Within regard to all other signs within the RCO Overlay District, the following shall apply:

§2306.1 Definitions: Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

1) **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

b) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Changeable Sign - A sign with the capability of content change by means of manual or remote input, includes the following types:

- 1) **Manually Activated** - Changeable sign whose message copy or content can be changed manually on a display surface.
- 2) **Electrically Activated** - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Revolving Sign - A sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis. See also: Animated Sign, Mechanically Activated.

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

§2306.2: Electronic Message Centers

A. In the RCO Overlay District, Electronic Message Centers (EMCs) are permitted in accordance with the sign areas in accordance with 801.C.5 for PRC-Planned Retail Center District, 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.

B. Additional general EMC regulations:

- (1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.
- (2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 2306.3 “Sign Illumination Standards”.

C. All EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Full motion video as described shall be permitted by special exception only.

§2306.3: Sign Illumination Standards. Signs may be illuminated consistent with the following standards:

A. A sign may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or 7,500 Nits between sunrise and sunset and a max of 500 Nits during nighttime hours.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that the Board of Commissioners has adopted, or will adopt in the future.

SECTION 8. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308 “Design”, is amended by replacing § 2308.B. with the following:

B. Loading and unloading docks shall be screened from adjacent properties with a landscape buffer. Dumpster and trash areas shall be enclosed by an opaque fence or other suitable screen as approved by the Board of Commissioners. Setbacks for loading and unloading docks, dumpsters and trash areas are not required among lots created within the RCO Overlay District development, among adjacent RCO Overlay District developments, or along tract lines abutting a street.

SECTION 9. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308 “Design”, is amended by replacing § 2308.E. with the following:

E. Facades may be longer than 300 feet if they utilize significant plane changes or changes in materials. Plan changes must consist of angle changes of 45-90 degrees at least three feet in depth, running the vertical extent of the façade.

SECTION 10. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308 “Design”, is amended by replacing § 2308.F. with the following:

F. Building facades of 300 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade and roof lines, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.

SECTION 11. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308 “Design”, is amended by deleting § 2308.H. in its entirety.

SECTION 12. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308 “Design”, is amended by replacing § 2308.L(4)(i). with the following:

(i) In off-street parking areas associated with grocery stores, planting strips are not required in the area extending for a distance of 350 feet from the front of the grocery store building facade to provide efficient, safe and uninterrupted pedestrian movement through the parking lot.

SECTION 13. The West Pottsgrove Township Zoning Ordinance of 2009, Article XXII “RCO Route 100 Commercial Overlay District”, § 2308.L “Parking Lot Landscaping”, is amended by adding the following:

(7) The requirements of Section 431 4. C. of the West Pottsgrove Township Subdivision and Land Development Ordinance shall not apply to apartment uses in the RCO Overlay District.

SECTION 14. All other sections, parts, and provisions of Article XXIII “RCO Route 100 Commercial Overlay District” shall remain in full force and effect as previously enacted.

SECTION 15. The Zoning Map of West Pottsgrove Township, as heretofore amended, which is adopted as part of the West Pottsgrove Township Zoning Ordinance of 2009, as amended in § 301 “Zoning Map”, is hereby amended as follows:

The RCO Route 100 Commercial Overlay District is established on property bounded in part by Upland Square Drive to the south and Upper Pottsgrove Township, Montgomery County, Pennsylvania to the east, which shall overlay all existing and hereafter created districts applicable to said property.

This Zoning Map amendment would add the RCO Route 100 Commercial Overlay District to the Existing R-1 Zoning District classification on the following parcels identified as: Tax Map 64, Block 3, Unit 4, being parcel 64-00-03717-00-8; Tax Map 64, Block 3, Unit 25, being parcel 64-00-03717-01-7; Tax Map 64, Block 2, Unit 20, being parcel 64-00-01537-00-1; Tax Map 64, Block 3, Unit 14, being parcel 64-00-03727-00-7; and Tax Map 64, Block 3, Unit 13, being parcel 64-00-03724-00-1.

SECTION 16. Savings Clause. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared the intent of the Board of Commissioners of West Pottsgrove Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 17. Repealer. Any specific provisions of the West Pottsgrove Township Zoning Ordinance, Subdivision and Land Development Ordinance or any other Township ordinance or resolution that is in direct conflict within this Ordinance are hereby repealed to the extent of such conflict.

SECTION 18. Effective Date. This Ordinance, and all of its terms and provisions, shall become effective as provided by law.

ORDAINED and **ENACTED** this ____ day of _____, 2024.

**WEST POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS**

BY: _____
Stephen Miller, President

ATTEST: _____
Courtney Harris, Secretary

WEST POTTS GROVE TOWNSHIP
MONTGOMERY COUNTY
PENNSYLVANIA

