

ORDINANCE NO. 283

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER POTTS GROVE, MONTGOMERY COUNTY, PENNSYLVANIA REPEALING IN ITS ENTIRETY PART 15: LIMITED COMMERCIAL (LC) DISTRICT OF THE LOWER POTTS GROVE TOWNSHIP ZONING ORDINANCE, ADDING AS PART 15, THE GATEWAY MIXED-USE (G-MU) DISTRICT AND AMENDING §2605. PERMITTED SIGNS AND RESTRICTIONS

WHEREAS, the Township created The Code of Ordinances of the Township of Lower Pottsgrove by Ordinance 192 adopted 3/23/1995 which has been amended from time to time (the “Code of Ordinances”); and

WHEREAS, it is the intention of the Board of Commissioners (the “Board”) that all references to any provision within the Code of Ordinances shall include the Ordinances adopted by the Board pursuant to which such provision became part of the Code of Ordinances; and

WHEREAS, the Lower Pottsgrove Township Zoning Ordinance, as originally enacted and amended from time to time is contained in Chapter 27 of the Code of Ordinances (the “Zoning Ordinance”); and

WHEREAS, the Board has commissioned a study of the Sanatoga Interchange area of State Route 422 called the Sanatoga Interchange Master Plan (“Master Plan”); and

WHEREAS, the Master Plan calls for the creation of a mixed use commercial/industrial district in the area south of State Route 422 Sanatoga Interchange to meet the goals set forth in the Master Plan; and

WHEREAS, the Board has determined that it is in the best interests of the Township to repeal in its entirety Part 15: Limited Commercial (LC) District of the Zoning Ordinance and replace it with Part 15: the Gateway Mixed-Use (G-MU) District as proposed in this Ordinance; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Lower Pottsgrove Township, Montgomery County, Pennsylvania as follows:

Section 1. Intent. It is the intent of this Ordinance to repeal and replace, in their entirety, all existing provisions of the Zoning Ordinance regulating the Limited Commercial (LC) District, currently Part 15.

Section 2. Part 26. Signs. The G-MU District shall be added to §2605. Permitted Signs and Restrictions. in the same table as the G-IN District. The LCD (Limited Commercial District) will be eliminated from this table.

Section 3. Part 15. Gateway Mixed-Use (G-MU) District. A new Part 15 of the Zoning Ordinance is hereby enacted entitled “Part 15: Gateway Mixed-Use (G-MU) District” and shall read as follows:

§1501. Intent.

- A. Provide for a planned, mixed use, medium scale, commercial development near the Sanatoga Interchange area south of State Route 422 that will encourage context sensitive development, a pedestrian friendly environment, and common public civic space in accordance with the Sanatoga Interchange Master Plan.
- B. Offer diverse economic activity, employment opportunities & commercial services.
- C. Maintain the free flow of traffic, promote vehicular and pedestrian safety, improve access management, and foster the construction of the proposed roadways as shown on the Township’s Official Map and/or the Sanatoga Interchange Master Plan.
- D. Comply with the “Regional Commerce” Land Use Code requirements of the Pottstown Metropolitan Regional Plan while allowing opportunities for growth that are not deemed contrary to the spirit and intent of the Regional Plan.
- E. Protect, conserve and enhance the quality of Lower Pottsgrove Township’s waterways and groundwater supplies.
- F. Link development intensity with the provision of sustainable design.
- G. Promote the use of high-quality, community-based architectural design standards, including signage, that are integrated with both buildings and site.
- H. Allow, as a conditional use, for a variety of nonpolluting and smaller scale industrial, research and development, and office facilities that will be held to a high architectural standard and will create a building appearance that is compatible with adjacent uses.

§1502. Permitted uses.

- A. The following uses, including mixed uses, are permitted by-right on all lots in the G-MU District:
 - 1. Retail establishment for sale of community service goods; variety merchandise; clothing; food; beverages; flowers and plants; drugs; furnishings; household supplies; building materials; sale or repair of jewelry, watches and clocks, optical goods, or musical, professional, or scientific instruments; and similar uses.
 - 2. Professional offices for doctors, dentists, chiropractors or any practitioner of the healing arts for humans; lawyers, engineers or architects, urban planners, accountants, economic consultants or other professionals similar to those listed above.
 - 3. Business offices providing services such as security and commodity brokerage, real estate sales, employment counseling, insurance sales, advertising, mailing and stenographic services and other services similar in nature to those listed above.
 - 4. Personal service shop including, but not limited to, hairdresser, barber shop, shoe repair, and similar uses; dry cleaning establishment; provided, that any dry

cleaning establishment shall be a nonflammable type of operation and that a minimum of thirty percent (30%) of a shop used for such purposes shall be devoted to customer use.

5. Specialized retail stores such as a gift shop, antique shop, bookstore, custom shop, or craft store where articles are made and sold on the premises, tobacco shop, jewelry store, hobby shop, wearing apparel store and any other use of a similar nature.
 6. Indoor entertainment, such as a bowling alley, billiard room, theater, or other similar use.
 7. Restaurant, tea room or cafe serving food or beverage, including outdoor dining areas.
 8. Hotel or motel.
 9. Conference center.
 10. Daycare or pre-school.
 11. Household appliance repair shop.
 12. Dance, art, martial arts, yoga or music studio.
 13. Fitness or community activity center.
 14. Travel agency.
 15. Photography studio.
 16. Banks or other financial service business.
 17. Uses accessory to a permitted use.
- B. The following are permitted as conditional uses in the G-MU District, as regulated in §1505:
1. The following light industrial uses:
 - a) The manufacture of musical instruments, toys, novelties, electrical or electronic devices; home, commercial and industrial appliances and instruments, including the manufacture of accessory parts or assembly; dental and medical equipment; watches and clocks; optical goods; drafting equipment; canvas products.
 - b) Manufacture of products from the following previously prepared materials: boxes, containers, bags, and other packaging products; novelty items; canvas; ceramics; feathers; felt and hair (excluding washing, curing, and dyeing); glass; leather; paper (small products); plastics; rubber (small products and synthetic threaded fabrics, excluding all rubber and synthetic processing).
 - c) Manufacture of boxes, containers, bags, novelties, and other packaging products from previously prepared materials. The manufacture of paper from pulp is specifically excluded.

- d) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, confections, candy, toiletries, perfumes, cosmetics and dairy products (excluding meat and fish and meat products).
 - e) Storage buildings and warehouses, and/or parking garages. The storage of gas, hazardous materials, flammable materials, and/or explosives is prohibited.
 - f) Warehouse, frozen food locker, storage house or distribution center, express or trucking establishment, provided that satisfactory provisions are made to prevent traffic congestion and hazard and that all loading and unloading operations are carried out entirely within the walls of any building utilized for such purposes.
 - g) Scientific research laboratories, experimental, research or testing establishment.
 - h) Manufacture of beverages, hat bodies, hosiery, ice, silverware, small or hand tools and hardware.
 - i) Wholesaling and distributing activities.
 - j) Printing, publishing, lithographing, binding, and similar processes.
 - k) Art, needlework, hand weaving.
 - l) Creamery or ice cream manufacture.
 - m) Bottling and canning (excluding meat and fish products).
 - n) Monument establishment, packaging and crating business.
 - o) Motion-picture film production, television, or radio studio.
 - p) Utilities.
 - q) Other similar industrial uses that do not produce noises, odors, or other emissions detectable by a person having normal senses, when experienced from off the premises.
2. Apartments as defined in §202 of the Township Zoning Ordinance; however, apartments may only be located on the second or third floors of structures that contain permitted uses except that apartments may not be located above a hotel or motel, indoor entertainment, first floor structured parking, or any use that requires a conditional use.
3. Outdoor display and storage areas. All uses except for parking lots shall be completely enclosed within a building. No merchandise, goods, articles or equipment shall be stored, displayed, or offered for sale outside any building except seasonal articles which are too large or otherwise infeasible to be stored indoors. Such articles may be stored outdoors if they meet the following requirements:
- a) Display items such as small plants, antiques, crafts, or other small retail items may be stored in front of a building provided that:

- 1) Display items are placed there no earlier than the start of the business day and removed no later than the end of the business day.
 - 2) Display items extend no more than six (6) feet from the front façade of the building.
 - 3) There shall remain a minimum of six (6) feet of sidewalk space between the display item and a driveway or parking area.
 - 4) Display items do not pose a threat to pedestrian, vehicular, or building safety.
- b) Large outdoor display items and/or storage items shall be stored behind the front façade of a building and shall meet the following requirements:
- 1) They are stored immediately adjacent to the building housing the establishment selling or storing the articles.
 - 2) They are enclosed by a wall or opaque fence at least six (6) feet high.
 - 3) All wall or fencing materials are architecturally compatible with the principal building and/or other buildings in the development.
 - 4) Landscaping shall be required to further screen the outdoor display or storage area.
 - 5) Display or storage areas shall not be placed any closer to the storage area than the specified setbacks herein.

For commercial properties, any outdoor display area(s) shall be considered to be sales floor area for the purposes of calculating building coverage and for calculating parking requirements.

4. Any use of the same general character as the above permitted uses.
5. Drive-through facilities for bank, restaurants, pharmacies or other permitted principal uses are allowed only by conditional use and in compliance with the following standards and criteria:
 - a) The vehicular circulation for any drive-through use shall be designed by a Professional Engineer specializing in transportation engineering. Proposed vehicular circulation shall be shown to be safe to the satisfaction of the Board of Commissioners and the Township Engineer.
 - b) Stacking spaces and drive-through lanes shall not impede on and off site traffic movement, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition for pedestrians.
 - c) Stacking spaces and drive-through lanes shall not impede the use of or be directly adjacent to passenger or materials or trash loading and unloading areas. Where stacking spaces or drive-through lanes are near to loading areas, they must be physically separated by a landscaped and curbed island at least five (5) feet in width and be equal to the length (or longest dimension) of the loading area.

- d) Stacking spaces and drive-through lanes shall be separated from off-street parking areas. Individual drive-through lanes shall be striped and clearly marked on the pavement. Additionally, signage that clearly delineates use of the stacking spaces and drive-through lanes must be a part of the site improvements.
- e) Stacking spaces and drive-through lanes shall be located toward rear yard of the property. If for some reason, stacking spaces and drive-through lanes cannot be located toward the rear yard of a property, they may be located toward the side yard of a property. In no case shall stacking spaces and drive-through lanes be permitted between the front of the building and the front yard property line. In the case of corner lots, the stacking spaces shall be located toward the side yard not facing a street (if placement in the rear yard is not possible).
- f) Approach lanes for drive-through facilities shall have the following minimum widths:
 - 1) One lane = Twelve (12) feet
 - 2) Two or more lanes = Ten (10) feet per lane
- g) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
- h) Each stacking space shall measure no less than ten (10) feet wide by twenty (20) feet long.
- i) Stacking spaces shall not be counted toward required parking spaces and shall be provided as follows:
 - 1) Banks: Eight (8) stacking spaces for the first drive up window and six (6) staking spaces for each additional window. If there is an ATM (automatic teller machine) only, then three (stacking spaces for each ATM are required.
 - 2) Restaurant: Eight (8) stacking spaces to the order box and four (4) stacking spaces from the order box to the pick up window.
 - 3) Pharmacy: Four (4) stacking spaces.
 - 4) All other permitted uses: three (3) stacking spaces.

6. Uses accessory to a conditional use.

C. The following uses are prohibited in the G-MU District:

- 1. Gasoline filling stations.
- 2. Automobile sales and repair shop.
- 3. Hospital or sanitarium.
- 4. Car washes.
- 5. Veterinary offices, kennels and animal boarding.
- 6. First floor residential dwelling units.

7. The following uses:
- a) Textile manufacturing and processing (particularly bleaching).
 - b) Abattoir.
 - c) Acetylene gas manufacture and/or storage.
 - d) Acid manufacture (hydrochloric, nitric, picric, sulfuric, sulfurous, carbolic).
 - e) Ammonia, bleaching powder, or chlorine manufacture.
 - f) Ammunition manufacture and/or storage.
 - g) Arsenal.
 - h) Asphalt manufacture or refining.
 - i) Blast furnace.
 - j) Celluloid manufacture.
 - k) Cement, lint, gypsum or plaster of paris manufacture.
 - l) Coal distillation.
 - m) Coke ovens.
 - n) Creosote treatment or manufacture.
 - o) Distillation of bones, coal, petroleum, refuse grain or wood (except in the manufacture of gas).
 - p) Explosives, fireworks, and gun powder manufacture or storage.
 - q) Fat rendering.
 - r) Fertilizer manufacture.
 - s) Forge plant.
 - t) Hog, pig or poultry farm.
 - u) Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animal or offal.
 - v) Oilcloth or linoleum manufacture.
 - w) Oil reduction.
 - x) Potash works.
 - y) Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass, or copper, except as a necessary incident or manufacture of which these processes form a minor part and which are carried without objectionable noise outside the plant.
 - z) Steel furnace, blooming or rolling mill.
 - aa) Stockyards.
 - bb) Tar distillation or manufacture.
 - cc) Industrial uses of the same general character as those in this subsection.

§1503. Requirements for all developments.

- A. All development in the G-MU District shall be served by public water and sewer facilities.
- B. Maximum densities and building sizes shall not be exceeded.
 - 1. Tier A sustainable building practices. The densities and intensities listed in sections 2 through 4 below may be developed with the implementation of two (2) of the Tier A sustainable building practices listed below and as shown in Table 15-01:
 - a) Vegetated roof (must cover at least eighty percent [80%] of individual building roof surface).
 - b) On-site use of geo-thermal heating and cooling systems for the entire building.
 - c) Use of all-weather porous or permeable paving in at least seventy-five percent (75%) of all paved areas on the tract.
 - 2. Commercial office, hotel/motels, and convention centers shall have a maximum building size of fifty thousand (50,000) square feet.
 - 3. Individual commercial retail uses shall have a maximum building size of ten thousand (10,000) square feet.
 - 4. Multiple-tenant retail shopping centers up to one hundred thousand (100,000) square feet, with individual uses up to fifty thousand (50,000) square feet, are only permitted if they are part of a municipally-adopted Master Plan.
 - 5. Tier B sustainable building practices. The densities and intensities listed above in 2 through 4 may be additionally increased as shown below in Table 15-01 with the implementation of the third Tier A sustainable building practice and the implementation of three (3) of the Tier B sustainable building practices listed below:
 - a) Installation of waterless urinals in all men's rooms.
 - b) Roof rainwater harvesting for site irrigation or toilet flushing
 - c) Operable windows in all office, residential, and hotel/motel spaces (including ancillary offices in commercial and retail buildings).
 - d) Implementation of one or more passive solar building design techniques that maximize the thermal benefits of the sun's daily and annual cycles. These passive solar design techniques include but are not limited to large expanses of south facing walls, sky lights, window awnings, solar heat sinks, trees positioned to shade the building and reduce air conditioning loads, extraordinary insulation levels, and similar techniques. It shall be the responsibility of the applicant to prove to the Board of Commissioners that there will be substantial (more than fifteen [15%]) percent in annual energy savings through the use of the method(s) selected by the applicant. The decision of the Board of Commissioners is final in this regard.

- e) Solar panels for each dwelling/commercial/industrial unit for use in hot water heating or electric supplementation.
 - f) Other nationally recognized sustainable building incentives as approved by the Board of Commissioners.
6. Permitted residential uses shall have a maximum density of eight (8) dwelling units per developable acre and shall implement, at a minimum, three (3) Tier A and three (3) Tier B sustainable building practices listed in sections 1 and 5 above and as shown below in Table 15-01.
 7. Permitted industrial uses shall be required to implement, at a minimum, three (3) Tier A and three (3) Tier B sustainable building practices listed in sections 1 and 5 and as show below in Table 15-01.
 8. A deed restriction shall be imposed on each lot requiring Township approval for discontinuation or change of standards for sustainable building measures set forth for the lot or development at the time of original plan approval.
 9. Applicant shall provide the Township with a maintenance and operations plan and agreement for the perpetual maintenance and operation of sustainable building measures set forth for the lot or development, as set forth by Part 4: General Regulations, of the Township's Zoning Ordinance. A maintenance and operations plan and agreement, approved by the Township, shall be recorded with the Montgomery County Recorder of Deeds.

Table 15-01

	Maximum allowed with two (2) of the <u>Tier A</u> sustainable practices	Maximum allowed with three (3) of the <u>Tier A</u> sustainable practices <i>and</i> three (3) of <u>Tier B</u> sustainable practices
Residential Density (du/acre)	--	8
Commercial Office, Hotels/Motels, Convention Centers	50,000	300,000
Individual Commercial Retail Use (maximum square feet)	10,000	30,000
Multi-Tenant Retail Shopping Centers* (maximum square feet)	100,000	300,000
Multi-Tenant Retail Shopping Center Individual use* (maximum square feet)	50,000	150,000
Industrial Buildings (by conditional use)	0	All projects

*Permitted only if a part of a Master Plan adopted by Lower Pottsgrove Township.

C. Dimensional standards

1. Minimum lot area: Two (2) developable acres
2. Minimum lot width at building line: One hundred (100) feet
3. Minimum lot width at street line: One hundred (100) feet
4. Maximum building coverage: Sixty percent (60%) of developable acreage
5. Maximum impervious cover: Seventy-five percent (75%) of developable
6. Minimum front yard building setback from ultimate right-of-way: Fifteen (15) feet
7. Maximum front yard building setback from ultimate right-of-way: Forty (40) feet
8. Minimum side yard building setback adjacent to commercial uses or districts: Fifteen (15) feet
9. Minimum side yard building setback adjacent to other uses or districts: Seventy-five (75) feet
10. Minimum depth of rear yard building setback to commercial use or district: Thirty (30) feet
11. Minimum depth of rear yard building setback to other uses or districts: Seventy-five (75) feet
12. Maximum building height: Three (3) stories or fifty (50) feet, whichever is less, inclusive of all appurtenances, such as air conditioning units, cupolas, architectural ornamentation, etc.
13. Maximum building height for hotels/motels: Six (6) stories or seventy-five (75) feet, whichever is less, inclusive of all appurtenances, such as air conditioning units, cupolas, architectural ornamentation, etc.
14. Minimum distance between buildings: Thirty (30) feet.
15. Parking setbacks:
 - a) Front yard: Forty (40) feet
 - b) Side yard to a G-MU District lot: Ten (10) feet
 - c) Side yard to G-MU District lot with shared parking: Zero (0) feet
 - d) Side yard to other districts: Fifty (50) feet
 - e) Rear yard to G-MU District lot: Ten (10) feet
 - f) Rear yard to G-MU District lot with shared parking: Zero (0) feet
 - g) Rear yard to other districts: Fifty (50) feet

§1504. Standards for light industrial conditional uses.

- A. Dimensional standards for individual industrial uses. For individual industrial uses, the following regulations shall apply.
 1. Minimum tract size: Fifteen (15) developable acres.

2. Minimum lot width at building line: One hundred twenty-five (125) feet.
3. Minimum lot width at street line: Fifty (50) feet.
4. Maximum building coverage: Thirty percent (30%) of developable acreage.
5. Maximum impervious cover: Sixty percent (60%) of developable acreage.
6. Minimum distance between industrial and accessory buildings on the same lot: Fifty (50) feet.
7. Minimum front yard setback from ultimate right-of-way: One hundred (100) feet.
8. Minimum side yard setback adjacent to commercial or industrial uses: Fifty (50) feet.
9. Minimum side yard setback adjacent to residential uses: One hundred fifty (150) feet.
10. Minimum rear yard setback adjacent to commercial or industrial uses: Fifty (50) feet.
11. Minimum rear yard setback adjacent to residential uses: One hundred fifty (150) feet.
12. Maximum building height: Fifty (50) feet, inclusive of all appurtenances, such as air conditioning units, cupolas, architectural ornamentation, etc.
13. Height may be increased to a maximum of sixty (60) feet as may be warranted for such structures as water towers, chimneys, stacks, radio antennae, and transmission towers, at the discretion of the Board of Commissioners, provided that the following conditions are met:
 - a) For every one (1) foot in height in excess of fifty (50) feet there shall be added two (2) feet to each yard setback requirement.
 - b) The development shall not contain more building or parking area than what would be required if the building met the fifty (50) foot height requirement.
 - c) The building(s) shall be situate so as to minimize the view of the building from public right-of-ways. Berming, landscaping, and architectural details shall be utilized to further screen the building(s) from public right-of-ways.
14. Parking setbacks:
 - a) Front yard: Forty (40) feet

- b) Side yard to a G-MU District lot: Ten (10) feet
- c) Side yard to G-MU District lot with shared parking: Zero (0) feet
- d) Side yard to other districts: Fifty (50) feet
- e) Rear yard to G-MU District lot: Ten (10) feet
- f) Rear yard to G-MU District lot with shared parking: Zero (0) feet
- g) Rear yard to other districts: Fifty (50) feet

B. Dimensional standards for multiple industrial uses on one tract.

1. Minimum tract size: Forty (40) developable acres.
2. Minimum lot size: One hundred thousand (100,000) square feet.
3. Minimum lot width at building line: One hundred twenty-five (125) feet.
4. Minimum lot width at street line: Fifty (50) feet.
5. Maximum building coverage: Thirty percent (30%) of developable acreage.
6. Maximum impervious cover: Sixty percent (60%) of developable acreage.
7. Minimum setback from all tract boundary lines: One hundred fifty (150) feet.
8. Minimum front yard setback on interior streets: Fifty (50) feet.
9. Minimum side yard setback within the development: Thirty (30) feet.
10. Minimum rear yard setback within the development: Fifty (50) feet.
11. Minimum distance between buildings on the same lot: Fifty (50) feet.
12. Maximum building height: Fifty (50) feet, inclusive of all appurtenances, such as air conditioning units, cupolas, architectural ornamentation, etc.
13. Height may be increased to a maximum of sixty (60) feet as may be warranted for such structures as water towers, chimneys, stacks, radio antennae, and transmission towers, at the discretion of the Board of Commissioners, provided that the following conditions are met:
 - a) For every one (1) foot in height in excess of fifty (50) feet there shall be added two (2) feet to each yard requirement.
 - b) The development shall not contain more building or parking area than what would be required if the building met the fifty (50) foot height requirement.

- c) The building(s) shall be situate so as to minimize the view of the building from public right-of-ways. Berming, landscaping, and architectural details shall be utilized to further screen the building(s) from public right-of-ways.

14. Parking setbacks:

- a) Front yard: Forty (40) feet
- b) Side yard to a G-MU District lot: Ten (10) feet
- c) Side yard to G-MU District lot with shared parking: Zero (0) feet
- d) Side yard to other districts: Fifty (50) feet
- e) Rear yard to G-MU District lot: Ten (10) feet
- f) Rear yard to G-MU District lot with shared parking: Zero (0) feet
- g) Rear yard to other districts: Fifty (50) feet

C. Applicant shall prove that the proposed building or lot will not contain any use which is noxious, hazardous, or offensive by reason of odor, dust, smoke, fumes, vibration, illumination, noise, and/or constitutes a public hazard whether by fire, explosion, or otherwise. In determining whether a proposed use is or may become noxious, hazardous, or offensive. The applicant shall show compliance with the following performance standards and with any more specific standards of a nationally-recognized agency for a particular business or industry.

- 1. There shall be no emission of smoke, fumes, odor, dust, gases, or other particulate matter in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, except as follows:
 - a) The emission of dust or other particulate matter is not in excess of the limits set forth by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency and/or any other agency having jurisdiction.
 - b) The emission of smoke from any chimney or other source that is not at a density greater than that described as No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; provided, also, that smoke of a density not greater than No. 2 on the Ringlemann Smoke Chart is emitted for not more than four (4) minutes in any thirty (30) minute period.
 - c) A kiln is not fired by any fuel other than by oil, gas, or electricity and no individual kiln exceeds 200 cubic feet in capacity, and does not contain a blast or reverberatory furnace or foundry.
 - d) The emission does not cause any damage to the health of people, animals, vegetation, or other forms of property; or causes any excessive soiling at any point.

- e) A standard correction is applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty percent (50%) for excess air or emission of liquid, solid particles or gases resulting from combustion.
 - f) A secondary safeguard system is provided to ensure that control is maintained if the primary safeguard system shall fail for any process which may involve the creation or emission of any smoke, fumes, odor, dust, gases, or other particulate matter.
2. The proposed use shall not endanger surrounding areas by reason of an unusual fire, explosion, or other safety hazards.
 3. No use shall produce perceptible heat or glare beyond the property line. Any operation producing perceptible glare or heat shall be performed within an enclosed building or behind a solid fence or wall with all necessary devices to reduce heat, glare or radiation installed, so as to be completely imperceptible from any point beyond the property lines.
 4. No vibration which is discernable to the human sense of feeling shall be perceptible without instrument at any point beyond the property lines.
 5. There shall be no activities which emit dangerous or harmful radioactivity.
 6. No use shall result in electrical or other interference with any use, process, equipment, appliance, or device located beyond the property lines of the property on which the use is located.
 7. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste, except as approved by the Pennsylvania Department of Environmental Protection and sanitary engineers or other qualified persons employed by the Township at the expense of the owner of the premises. Where sanitary sewers of the Lower Pottsgrove Municipal Authority are involved, approval of the Authority Board shall be required. Such facility shall be connected to the public sewer system, subject to the regulations and requirements thereof.
 8. Every use requiring power shall be so operated that the service lines, substations, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed, installed, etc. to be an integral part of the architectural feature of the plant or, if visible from abutting properties, shall be concealed by coniferous plantings.
 9. All water requirements shall be stated in the application for conditional use. Water shall be supplied from public waters sources.
 10. Outdoor waste and disposal.

- a) No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
 - b) All outdoor storage facilities for fuel, raw materials, and products and all fuel and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from adjacent properties.
 - c) No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
 - d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
11. Control of noise. At no point on the boundary of a residential or commercial office district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown in Table 15-02, below for the districts indicated.

Table 15-02

Octave Band in Cycles Per Second	Maximum Permitted Sound Level in Decibels Along Residential Tract or District Boundaries	Maximum Permitted Sound Level in Decibels Along Tract or District Boundaries for Nonresidential Uses
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300-600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

- D. All industrial developments shall meet the design, open space and other standards set forth in this chapter.
- E. All industrial developments shall include three (3) Tier A sustainable building measures and three (3) Tier B sustainable building measures, as outlined in Table 15-01.
- F. Outdoor storage of any goods, equipment, materials or supplies is specifically prohibited.
- G. Outdoor loading and unloading is permitted subject to the off-street parking and off-street unloading requirements of the Township's Subdivision and Land Development Ordinance; however, if any loading/unloading is conducted entirely within the walls of

a completely enclosed building, the building coverage may be increased to thirty five (35%) percent and the impervious surface coverage may be increased to sixty five (65%) percent.

- H. If a facility is to be served by rail lines, such rail lines shall extend into and within the walls for the principle building for loading and unloading purposes. Where loaded or empty rail cars may be required to sit for a period of time, the area shall be screened from view of public right-of-ways by berming, landscaping and other architectural measures.
- I. Continuous concrete curbing shall be required along all streets, driveways, and parking areas and along all planting beds within parking areas. Such curbs may be discontinuous were required for stormwater management.

§1505. General conditional use standards.

Uses permitted as conditional uses in the SR-4 District shall meet the following conditional use criteria:

- A. All conditional use applications shall meet the requirements for conditional use applications as set forth in the Township Zoning Ordinance.
- B. Parking areas, loading areas, light sources, and trash areas shall be located and designed to hide their appearance, eliminate foul odors, diminish light glare, and remove any other impacts the Board of Commissioners determines would be adverse to neighboring properties. The Board of Commissioners may require alternative site layouts in order to limit the adverse impact of a proposed conditional use. These alternative layouts may include additional setbacks; different locations and designs for buildings; reduced scale and bulk of buildings parking areas, driveways, and trash storage facilities; and increased screening and landscaping.
- C. Driveway intersections with streets and traffic circulation patterns within the development shall be located and designed to maximize the spacing distance from each other and minimize the number of access points onto roads. The Board of Commissioners may require alternative locations or site designs for both driveways and parking lots to alleviate potential congestion or safety problems. The Board of Commissioners may require a traffic improvement study that includes the potential impact on nearby or connecting streets and intersections and compliance with all or some of the recommendations of said study.

§1506. Parking and internal circulation.

The following regulations shall govern parking and circulation within lots to be developed in the G-MU District and shall also govern lots to be redeveloped in the district to the maximum extent feasible:

- A. Parking, loading, or service areas used by motor vehicles shall be located entirely within the property lines of the proposed development and shall be physically separated from public streets by a sidewalk, planting area, and curb comprising of a minimum area of fifteen (15) feet in width.

- B. The number of parking spaces required for any development shall be regulated by the requirements contained in the Parking Requirements section of the Township Zoning Ordinance, except where a lesser number may be permitted when parking is shared according to the provisions contained in subsection (G), herein. For mixed-use structures, the parking provided shall be equal to the sum total of required spaces for all uses contained therein.
- C. The requirements contained in the Parking Area Requirements section of the Township Zoning Ordinance shall apply to all parking areas constructed pursuant to this Ordinance.
- D. Parking areas shall be landscaped according to the Landscape Requirements section of the Township Subdivision and Land Development Ordinance.
- E. Landscaped or planting areas at least eight (8) feet wide between double parking bays are strongly encouraged. These areas do not need to be curbed if they serve as biofiltration areas and suitable wheel stops or bumpers are used to separate the parking space from the vegetated area.
- F. For parking areas of more than twenty (20) cars, a minimum of ten (10) percent of the parking area shall be devoted to interior parking lot landscaping, exclusive of any other landscaping or buffering requirements and exclusive of the grass area permitted under subsection (D), herein. The landscaping required by this Ordinance shall be installed in such manner that no individual landscaped area shall contain less than two hundred (200) square feet; the minimum horizontal dimension of any such area shall be ten (10) feet.
- G. The owners of two (2) or more adjacent lots may elect to share common parking facilities according to the following requirements:
 - 1. An application to do so shall be filed jointly by all affected lot owners with the Zoning Officer accompanied by a plan showing the location of all proposed parking, parking reserve areas and access ways as well as all buildings which shall use the common parking area.
 - 2. The aggregate number of parking spaces required for all uses which will share the common parking area may be reduced up to a maximum of twenty-five (25) percent if the applicants can demonstrate to the Zoning Officer's satisfaction that a greater efficiency is effected by joint use of a common parking area or that other circumstances warrant such reduction (i.e. complementary operating hours of the uses which will be sharing the parking area). Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces normally required shall be fully designed and the area which is proposed to be eliminated shall be shown as parking reserve area. Such area shall be required to be developed as designed so that the minimum area of vegetative cover will not be reduced below the appropriate percentage contained in subsection (D), herein, in the event the entire parking area, including reserve areas, is subsequently developed. All reserve areas not utilized for parking shall be landscaped according to an approved plan.

3. For purposes of determining the number and location of accessways, the entire area devoted to common parking shall be considered one (1) parking lot.
 4. Some portion of the common parking area shall be within two hundred (200) feet of an entrance, regularly used by patrons, into each use served by the common parking area.
 5. An application to permit shared common parking shall be contingent upon each lot owner obtaining any necessary access easements and rights-of-way.
- H. Internal access drives (exclusive of aisles between rows of parking spaces) shall, at a minimum, be twelve (12) feet for each direction of traffic.
- I. Appropriate pedestrian walkways, clearly marked and safely situate, shall be provided, including perimeter sidewalks and crosswalks, where appropriate and necessary.

§1507. Roadways and vehicular circulation.

The following regulations shall pertain to access for all lots to be developed in the G-MU District and shall also govern lots to be redeveloped in the District to the maximum extent possible.

- A. Major and minor roadways shall be located as per the Township's Official Map. If roadways are not contained on the Official Map, roadways shall be located as shown on the Lower Pottsgrove Sanatoga Interchange Master Plan.
- B. In addition to the requirements of the Subdivision and Land Development Ordinance with regard to roadways and vehicular circulation, the following requirements shall be met:
 1. Access roads into the G-MU District from Evergreen Road shall be designed as a boulevard with a ten (10) foot wide planted median.
 2. Traffic circles shall be located as per the Township's Official Map. If traffic circles are not contained on the Official Map, traffic circles shall be located as shown on the Lower Pottsgrove Sanatoga Interchange Master Plan.
 3. For lots other than corner lots which have less than one hundred (100) feet of frontage, a maximum of one (1) accessway to a public street shall be permitted.
 4. For any lots used for development pursuant to this District or for a group of two (2) or more lots which share parking pursuant to §1506 herein, no more than two (2) points of access may be permitted onto each street on which the lot(s) abut.
 5. Corner lots or groups of lots with shared parking that front onto two (2) streets shall not have two (2) points of access onto one (1) street and none on the other, unless the placement of an access onto one (1) street would create a traffic hazard or unduly impact existing residential development. Two (2) points of access onto one (1) street shall also be permitted if one (1) or two (2) points of access are provided onto the other street. In addition, where the lot or group of lots front onto two (2) streets of differing classification (according to the Township Subdivision and Land Development Ordinance), the developer may elect to place two (2) points of access on the street of lesser classification with none on the other fronting street if the lot or group of lots have more than one

hundred (100) feet of frontage on the road of lesser classification and so doing would not create a hazardous traffic situation or unduly impact existing residential development.

6. Accessways shall be spaced a minimum of fifty (50) feet on center on any lot used for development pursuant to this District or for a group of two (2) or more lots which share parking pursuant to the requirements of §1506 herein. In addition, accessways shall be spaced a minimum of fifty (50) feet on center from existing accessways on adjacent properties wherever feasible. When this is not feasible, common drives and/or the use of shared common parking pursuant to §1506, herein shall be encouraged.
7. On lots used for nonresidential purposes or only partially for residential purposes, no accessway shall be located closer than twenty-five (25) feet to any lot used exclusively for residential purposes in the G-MU District and shall also govern lots to be redeveloped in the District to the maximum extent possible.

§1508. Landscaping.

- A. All landscaping shall be in accordance with the Landscape Requirements section of the Township Subdivision and Land Development Ordinance.
- B. Along the frontage of every lot, except for areas devoted to accessways, landscaping shall be provided as described in the Landscape Requirements section of the Subdivision and Land Development Ordinance. The landscaped areas shall extend toward the interior of the lot for a minimum distance of five (5) feet from the ultimate right-of-way line. Additionally, landscaping between the ultimate right-of-way and the curb line or edge of the roadway shoulder shall be encouraged, recognizing that such landscaping may have to be removed in the future for roadway improvements; landscaping in this area would therefore be encouraged to represent a low financial investment and/or be capable of relocation. In all instances, landscaping shall be so installed that clear sight distances are provided as identified in the Subdivision and Land Development Design Standards Ordinance.
- C. Applicant shall provide the Township with a maintenance and operations plan and agreement for the perpetual maintenance and operation of all landscaping for the lot or development, similar to the requirements set forth by Part 4: General Regulations, of the Township's Zoning Ordinance. A maintenance and operations plan and agreement, approved by the Township, shall be recorded with the Montgomery County Recorder of Deeds.

§1509. Trash, recycling, and refuse areas.

The design of buildings in the G-MU District shall include either a provision for the storage of refuse inside the building(s) or within an area enclosed by either walls or opaque fencing outside the building(s) and designed to be architecturally compatible with the building(s). Such walls or fencing shall be designed to shield the trash, recycling and refuse areas from direct view of any adjacent property and must be at least six (6) feet high. Proper ingress and egress must be provided for removal of trash, recycling and refuse, without conflict with parked vehicles or circulation. Landscaping shall be provided around the non-parking lot side(s) of any enclosure to soften the appearance of the enclosure.

§1510. Lighting.

- A. Lighting facilities in the G-MU District shall be provided in accordance with the Lighting Requirements section of the Zoning Ordinance and arranged in a manner which protects the existing frontage roads and neighborhood properties from direct glare or hazardous interference of any kind.
- B. Lighting for public civic spaces and along street frontages shall be of an ornamental style and subject to approval from the Board of Commissioners.
- C. Lighting in public civic spaces and along street frontages shall have a minimum height of twelve (12) feet and a maximum height of fourteen (14) feet, as approved by the Board of Commissioners.
- D. Applicant shall provide the Township with a maintenance and operations plan and agreement for the perpetual maintenance and operation of all lighting for the lot or development, similar to the requirements set forth by Part 4: General Regulations, of the Township's Zoning Ordinance. A maintenance and operations plan and agreement, approved by the Township, shall be recorded with the Montgomery County Recorder of Deeds.

§1511. Signs.

All signage shall meet the requirements of the Sign Ordinance in the Township Zoning Ordinance.

§1512. Open space standards.

- A. At least twenty-five percent (25%) of the gross tract area shall consist of open space. This shall not include the landscaped areas that are required as a part of parking lot landscaping as per the Landscape Requirements of the Township's Subdivision and Land Development Ordinance or stormwater management facilities, except for permanent wet ponds, rain gardens, and bio-swales .
- B. Open space and recreation amenities shall be provided in accordance with the Open Space Preservation and Recreation Areas Requirements in the Township's Subdivision and Land Development Ordinance.

§1513. Design guidelines.

- A. The Township wishes to create a high standard of excellence for design in this gateway area of the Township. To that end, the Applicant shall follow the following steps in the design of proposed development:
 - 1. Prior to preliminary plan approval, the applicant shall submit photographs of examples of the type(s) of architectural design proposed for each of the types of buildings in the development. The Applicant may submit various types of architectural design/treatments for consideration by the Township. These photographs will be reviewed by the Board of Commissioners who will select their preference (if any) of the general type of architectural treatment(s) preferred. If none of the architectural treatments are selected by the Board, the Applicant shall submit additional photographic examples until one is deemed

adequate by the Board of Commissioners. The Applicant may submit building elevations in lieu of photographic examples.

2. Once the photographic examples are approved by the Board of Commissioners and prior to final plan approval, the Applicant shall submit scaled drawings of the buildings, including, but not limited to, elevations and perspective sketches to illustrate the architectural details of the proposed buildings.
 3. The Applicant shall submit samples of predominant building materials, including, but not limited to, roofing materials, building façade materials, proposed colors, and any other samples that the Applicant believes will convey to the Township and the Board of Commissioners the superior design and materials that are required as part of this G-MU District, all of which are subject to the approval of the Board of Commissioners.
 4. All architectural designs, details and building materials, once approved by the Board of Commissioners shall be recorded with the development agreement and shall be used by the Applicant for all construction within the development. Significant deviations from the approved characteristics shall require additional approvals by the Board of Commissioners.
 5. It is not intended that the Board of Commissioners dictate the architectural characteristics of a development, but that an acceptable set of standards be chosen by the Applicant and be adhered to consistently throughout the development. All residential and nonresidential buildings and accessory uses shall be of a compatible architectural type.
- B. The architectural design of uses in the G-MU District shall be completed in a coordinated manner to encourage development to be of a high standard and quality. Conventional big box and strip commercial style development is strongly discouraged. These guidelines are intended to produce a cohesive, aesthetically pleasing development that will provide an attractive commercial and business environment for customers, tenants and residents.
1. The development shall exhibit a consistent architectural style throughout, including the main and satellite buildings and structures. Primary building materials shall include brick, decorative masonry block, stone, siding, stucco, or comparable materials that shall be subject to the review and recommendation of the Planning Commission and the approval of the Board of Commissioners. At least thirty percent (30%) of a building shall include stone or brick materials.
 2. Large blank walls shall be avoided on all building facades that face any public street, road, or the on-site parking areas. Reduction of blank walls can be varied through the following methods:
 - a) Buildings which are greater than one hundred (100) feet in length shall have some type of articulation or embellishment along the walls through the use of recesses or projections of at least two (2) feet in depth for every one hundred (100) feet of frontage; however, articulation does not have to occur at exactly one hundred (100) foot intervals.
 - b) The pitch and height of rooflines on buildings greater than one hundred (100) feet in length shall be varied by at least two (2) feet for every one

hundred (100) feet of frontage; however, pitch variation does not have to occur at exactly one hundred (100) foot intervals.

- c) The use of architectural elements such as large windows, overhangs, columns, shutters, planters, and other architectural elements as approved by the Board of Commissioners.
 - d) The variation of color, materials, textures, overhangs, and setbacks of the buildings shall be provided to avoid the appearance of a large monolithic structure.
3. Roof lines or parapets shall be varied and include peaks, towers, or cupolas for every two hundred (200) feet in length.
 4. All HVAC and other equipment that shall be roof-mounted shall be screened from public view by means of an architectural and/or vegetative screening satisfactory to the Board of Commissioners.
 5. Buildings shall to the greatest extent possible be located close to the front yard setback, particularly along Evergreen Road.

§1514. Community association developments.

A plot or unit not meeting the dimensional requirements of this Ordinance, when located within a tract being developed pursuant to the provisions of this Ordinance, shall only be permitted and may only be conveyed under the following conditions:

- A. Compliance with all state and federal laws regulating community association-type developments including, but not limited to, condominiums, cooperatives, and planned communities.
- B. Any transferee shall have an economic interest in the operation of the entire development as an integrated unit in accordance with the approved plan.
- C. Documentary evidence shall be filed with the Township which shall affirm to the satisfaction of the Township, that the developer, its successors and assigns, or any duly created condominium association or similar legal entity, shall remain responsible for the construction, control and maintenance of all common areas.
- D. The remaining provisions of this Ordinance shall be applied to the development in total, as an integrated unit, and not applied separately to each individual plot or unit conveyed pursuant to this section.

§1515. Alternative development layouts and phased constructions.

In recognition of the size and complexity of developments within the G-MU District, and the likelihood that the design and/or layouts of structures may change during the land development process, such development may proceed, at the discretion of the Township, in phases that provide for uniform and regular expansion of the development in accordance with the criteria and standards for this District. To assure for comprehensive planning and review of the ultimate development as well as alternatives and phases, such alternative layouts and phases shall be planned and presented during the land development review process subject to the following:

- A. If the applicant is considering a variety of locations and arrangements for any proposed buildings, alterations and improvements, the applicant shall so present the same in writing with a plan presenting the alternative locations, arrangements, and design of the proposed structures and the uses thereof.
- B. Each of the alternative layouts shall be reviewed along with the primary site plan and when approved, shall be made part of the approved plan set and record plans.
- C. If the applicant decides to proceed with one of the alternative layouts or a variation thereof, it shall notify the Township in writing with reference to the approved alternative design and any variation thereto. If there is not a material variation, the Township shall confirm substantial compliance and further development can proceed in accordance with the plan so approved.
- D. If the applicant is considering construction and operation of the development in phases, the Applicant must present land development plans showing the full and final build out of the development along with separate plans showing all site details at completion of each phase. The final plan set to be approved, as well as the record plans, shall include each phase and the full and final build out and shall be approved and recorded allowing for each phase, when completed, to operate as an approved development. All public improvements necessary for the planned development shall be completed during the first phase and prior to use and occupancy of any structure.

Section 4. Severability. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

Section 5. Savings and Repealer. The remaining provisions of the Lower Pottsgrove Township Zoning Ordinance in force immediately before the enactment of this Ordinance are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained; any provisions inconsistent with this Ordinance are hereby repealed as referenced.

Section 6. Effective Date. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED, this 1st day of December, A.D. 2008 by the Board of Commissioners of Lower Pottsgrove Township, Montgomery County, Pennsylvania.

**LOWER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS**

BY: _____
Bruce L. Foltz, President

ATTEST: _____
Michele M. Cappelletti, Secretary