

**ORDINANCE NO. 284**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER POTTS GROVE, MONTGOMERY COUNTY, PENNSYLVANIA CREATING PART 33: SR-4 SUBURBAN RESIDENTIAL DISTRICT AND AMENDING §2605. PERMITTED SIGNS AND RESTRICTIONS, OF THE LOWER POTTS GROVE TOWNSHIP ZONING ORDINANCE**

**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**WHEREAS**, the Lower Pottsgrove Township Zoning Ordinance, as originally enacted and amended from time to time is contained in Chapter 27 of the Code of Ordinances (the “Zoning Ordinance”); and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 medium to high density residential district and the provision for age-restricted housing in the area south and west of the 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 amend the Zoning Ordinance to include Part 33: SR-4 Suburban Residential District; 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 add a new Zoning District called the SR-4 Suburban Residential District.

**Section 2. Part 26. Signs.** The SR-4 shall be added to §2605. Permitted Signs and Restrictions. in the same table as the R-1, R-2, R-3 and R-4 Residential Districts.

**Section 3. Part 33. Suburban Residential (SR-4) District.** A new Part 33 of the Zoning Ordinance is hereby enacted entitled “Part 33: SR-4 Suburban Residential District” and shall read as follows:

### **§3301. Intent.**

In addition to the community development objectives contained in Part 1, the primary purpose of the Suburban Residential 4 District (SR-4) is to permit and encourage a mix of high density residential uses including: single-family detached, single-family attached (townhomes), two-family semi-detached, two-family detached, garden apartments, and age-restricted residences in a manner that creates a strong neighborhood identity and sense of community. Specific objectives are:

- A. To effectively achieve the land use planning goals identified for Lower Pottsgrove Township in the Sanatoga Interchange Master Plan and the Pottstown Metropolitan Regional Comprehensive Plan by providing well-designed medium to high density development.
- B. To encourage the use of sustainable development techniques by allowing for increased densities with the implementation of “green” incentives.
- C. To create traditional neighborhood character, create an inviting pedestrian environment, and encourage social interaction, reducing the visual impact of automobiles, and creating a varied and sustainable landscape.
- D. To provide a variety of housing types.
- E. To reduce vehicular trips by connecting residences to existing and proposed mixed use areas via walkways, trails, and open space.
- F. To provide usable and accessible neighborhood open spaces that creates a focal point for the community.
- G. 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.

### **§3302. Permitted uses.**

- A. The following uses are permitted by-right on all lots in the SR-4 District:
  1. Single Family Detached Dwelling
  2. Two-Family Dwellings (Detached or Semi-Detached)
  3. Conservation Land
  4. Park
  5. Municipal or Government Office
  6. Municipal or Government Maintenance Facility
- B. The following uses are permitted by-right on all tracts in the SR-4 District that are ten (10) or more gross acres in size:
  1. Single Family Detached Dwelling
  2. Two-Family Dwellings (Detached or Semi-Detached)
  3. Single-Family Attached Dwellings (Townhomes)
  4. Garden Apartments

5. Conservation Land
  6. Park
  7. Municipal or Government Office
  8. Municipal or Government Maintenance Facility
- C. The following are permitted as conditional uses on all tracts in the SR-4 District that are ten (10) or more gross acres in size:
1. Age-Restricted Housing
  2. Age-Restricted Housing Accessory Structures, within the setbacks as described in the applicable sections below.
  3. School
  4. Nonresidential Accessory Structures, within the setbacks as described in the applicable sections below.
- D. The following accessory uses are permitted by-right on all lots in the SR-4 District, provided they meet the requirements of §409 of the Township Zoning Ordinance:
1. Home-Based Business, No Impact
  2. Uses Accessory to a Dwelling (600 square feet or less)
  3. Swimming Pool
- E. The following accessory uses are permitted as a special exception in the SR-4 District, based on the standards set forth in §409 of the Township Zoning Ordinance:
1. Private Stables
  2. Domestic Animals Shelter
  3. Home-Based Business, Low Impact
  4. Uses Accessory to a Dwelling (greater than 600 square feet)
  5. In-Law Suite

**§3303. Tract requirements.**

All development in the SR-4 District shall be served by public water and sewer facilities.

**§3304. Standards for residential development of single-family detached dwellings or two-family dwelling lots on tracts of less than ten (10) gross acres.**

- A. Maximum tract density: Four (4) dwelling units per developable acre.
- B. Minimum lot size per dwelling unit: Ten-thousand (10,000) square feet.
- C. Minimum lot width at the building line: Seventy-five (75) feet
- D. Front Yard Setback:
  1. A minimum of twenty-five (25) feet and a maximum of thirty-five (35) feet.
  2. No more than four (4) lots with the same front yard setback shall be located adjacent to each other, on the same side of the street.

- E. Minimum side yard setback: Fifteen (15) feet.
- F. Minimum rear yard setback: Twenty (20) feet.
- G. Minimum building setback from zoning district and tract boundaries: Forty (40) feet.
- H. Maximum building coverage: Thirty percent (30%) of gross lot area.
- I. Maximum impervious coverage: Forty percent (40%) of gross lot area.
- J. Maximum building height: Thirty-five (35) feet.
- K. All tracts shall meet the design standards and roadway and vehicular circulation standards of §3305.
- L. Tracts four (4) gross acres or more shall meet the recreation and open space standards, trails and sidewalks standards, and ownership and maintenance of common facilities standards set forth in §3305.

**§3305. Standards for residential development from tracts of ten (10) or more gross acres.**

- A. Tract density, housing mix and dimensional standards
  - 1. Maximum tract density: Four (4) dwelling units per developable acre.
    - a) Maximum tract density can be increased to six (6) dwelling units per developable acre with the implementation of a total of three (3) sustainable building incentives in all dwelling units, as enumerated in this ordinance section and as subject to approval from the Board of Commissioners.
    - b) Maximum tract density can be further increased to eight (8) dwelling units per developable acre with the implementation of a total of six (6) sustainable building incentives in all dwelling units, as enumerated in this ordinance section and as subject to approval from the Board of Commissioners.
    - c) Sustainable building incentives shall include the following minimum standards:
      - 1) Rainwater harvesting for site irrigation or toilet flushing.
      - 2) Porous or permeable paving for all driveways and off-street parking areas.
      - 3) Solar panels for each dwelling unit for use in hot water heating or electric supplementation.
      - 4) On-site use of geo-thermal heating and cooling systems for all of the building's heating and cooling needs.
      - 5) 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 glass 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 percent [15%]) 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.

- 6) Other nationally recognized sustainable building incentives as approved by the Board of Commissioners.
  - d) 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.
  - e) 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.
2. Maximum tract density for age-restricted housing (requires conditional use).
    - a) Maximum tract density: Six (6) dwelling units per developable acre.
    - b) Maximum tract density can be increased to eight (8) dwelling units per developable acre with the implementation of a total of three (3) sustainable building incentives in all dwelling units, as enumerated in this ordinance section and as subject to approval from the Board of Commissioners.
    - c) Maximum tract density can be further increased to ten (10) dwelling units per developable acre with the implementation of a total of six (6) sustainable building incentives in all dwelling units, as enumerated in this ordinance section and as subject to approval from the Board of Commissioners.
  3. Housing mix. New residential developments on 10 acres or more in the SR-4 District shall be comprised of at least two of the following housing types to promote architectural rhythm and to provide for a wider range of housing types.
    - a) Single family detached dwellings.
    - b) Two family dwellings.
    - c) Single family attached dwellings (townhouses).
    - d) Garden apartments.
  4. Dimensional standards for lots.
    - a) Minimum lot size: No minimum lot size, but all of the following dimensional requirements must be met. Lots may be fee simple or condominium lots.
    - b) Minimum lot width at the building line:
      - 1) Seventy-five (75) feet for single-family and two-family dwellings.
      - 2) Thirty (30) feet for single-family attached dwellings or townhouses.
      - 3) One-hundred seventy-five (175) feet for garden apartments.

- c) Front yard setbacks:
  - 1) Minimum front yard setback shall be twenty (20) feet from the ultimate right-of-way. Maximum front yard setback shall be thirty (30) feet.
  - 2) A maximum of thirty percent (30%) of any one dwelling type on a tract shall have the same front yard setback.
  - 3) No more than four (4) building lots with the same front yard setback shall be located adjacent to each other, on the same side of the street.
- d) Minimum side yard setback:
  - 1) Fifteen (15) feet for single family detached dwellings, two-family detached dwellings.
  - 2) Fifteen (15) feet on the nonattached side and zero (0) feet on the attached side of single-family and two-family attached dwellings.
  - 3) Thirty (30) feet for garden apartments.
- e) Minimum building setback requirements for single-family attached dwellings without fee simple lotting or single-family attached dwellings in a courtyard configuration.
  - 1) Front to front: Sixty (60) feet.
  - 2) Front to back: Sixty (60) feet.
  - 3) Side to front/back: Forty (40) feet.
  - 4) Back to back: Forty (40) feet.
  - 5) Side to side: Thirty (30) feet.
  - 6) Common parking area: Twenty (20) feet.
  - 7) Street or private access drive: Twenty-five (25) feet.
- f) Minimum rear yard setback: Twenty (20) feet.
- g) Minimum building setback from tract boundaries: Forty (40) feet.
- h) Minimum building setback from zoning district boundary: Forty (40) feet.
- i) Minimum building setback from an existing major collector or higher classification road ultimate right-of-way: Forty (40) feet.
- j) Minimum setback from common parking area: 20 feet.
- k) Maximum number of units in a linear arrangement: six (6) units (if in a courtyard arrangement, not more than six units prior to right-angle arrangement of further units).
- l) Maximum building coverage: Thirty percent (30%) of gross lot area.
- m) Maximum impervious coverage: Forty percent (40%) of gross lot area.
- n) Maximum structure length 200 feet.
- o) Maximum structure width: 50 feet.

- p) Maximum building height: Thirty-five (35) feet.
- q) Minimum distance between buildings: Thirty (30) feet.

## B. Design Standards

1. Driveway Access. No residential lot within an SR-4 development shall take driveway access from an existing major collector or higher classification road, except for houses with driveways that existed before the land development plan was submitted.
2. Garage Location and Design. Within an SR-4 development, at least three of the following garage types shall be used, with no single type comprising less than twenty percent (20%) of the total.
  - a) The garage is side entry, so that the garage doors are perpendicular or radial to the street which the front facade faces.
  - b) The garage is front entry and set back at least ten (10) feet from the front facade of the house and does not comprise more than twenty percent (20%) of the total area of the front facade elevation, measured from ground level to the edge of the roof.
  - c) The garage is located behind the rear facade of the house. This garage may be detached from or attached to the house.
  - d) The garage is rear entry, so that the garage doors are on the opposite side of the house from the front facade.
3. Buildings. Applicants shall submit to the Planning Commission and Board of Commissioners architectural renderings showing the design, materials and colors of proposed buildings prior to final plan approval.
  - a) All buildings shall be designed using the following criteria:
    - 1) No building may be longer or wider than forty (40) feet without a significant plane change of at least four (4) feet in depth on at least one story of the building, e.g. the building wall is not straight, but is broken by angle changes of forty-five (45) to ninety (90) degrees at least four (4) feet in depth. Plane changes may include bump outs in the exterior wall(s), covered porches, dormer or structural bay windows, porticos, or other architectural design features, as approved by the Board of Commissioners.
    - 2) A minimum of thirty (30) percent of all building façades shall contain brick or stone, as approved by the Board of Commissioners.
    - 3) Shutters, columns, porticos, and other architectural details shall be included, at the discretion of the Board of Commissioners.
    - 4) At a minimum, ornamental trees and shrubs, evergreen trees and shrubs and/or perennial plants shall be planted around the foundation, as approved by the Board of Commissioners.
    - 5) Walls, opaque fences, and/or dense landscaped buffers may be substituted for some or all of the above architectural details, at the

discretion of the Board of Commissioners, unless it is for the front of a building.

b) Garden apartment buildings:

- 1) No building may be longer or wider than forty (40) feet without a significant plane change of at least four (4) feet in depth on at least one story of the building, e.g. the building wall is not straight, but is broken by angle changes of forty-five (45) to ninety (90) degrees at least four (4) feet in depth. Plane changes may include bump outs in the wall, covered porches, dormer or structural bay windows, porticos, or other architectural design features, as approved by the Board of Commissioners.
- 2) A minimum of fifty (50) percent of all building facades shall contain brick or stone as approved by the Board of Commissioners.
- 3) Shutters, columns, porticos, and other architectural details shall be included, at the discretion of the Board of Commissioners.
- 4) Ornamental trees and shrubs, evergreen trees and shrubs and/or perennial plants shall be planted around the foundation, as approved by the Board of Commissioners.
- 5) An additional ten (10) feet may be added to the height of the building to provide additional architectural details to cover all roof appurtenances, including HVAC units, elevator housings, architectural details, etc.; however, no more than three (3) habitable stories are permitted.
- 6) Any flat roof portions of a single garden apartment building whose combined size is one thousand (1,000) square feet or greater on a single building shall be vegetated in accordance with acceptable vegetative roof standards and as approved by the Board of Commissioners.

C. Roadways and Vehicular Circulation

1. Roadways

- 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, unless otherwise approved by the Board of Commissioners.
- b) Access roads or driveways into the SR-4 District from Evergreen Road or from Pleasantview Road shall be designed as a boulevard with a ten (10) foot wide planted median.
- c) 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, unless otherwise approved by the Board of Commissioners.

2. Street Layout

- a) Streets within SR-4 developments shall be interconnected with each other and with streets on abutting properties to the greatest extent possible. Cul-de-sacs and dead ends shall not be permitted.
- b) Streets shall conform to the street grid depicted in the Township's Official Map if they are indicated on the official map.

#### D. Recreation and Open Space Standards

1. At least twenty-five percent (25%) of the gross tract area shall consist of open space. Twenty percent (20%) of the total open space area shall be comprised of a central open space which meets one or more of the design options outlined in §3305.D.4, below.
2. All parkways and eyebrows in an SR-4 development must be proposed in conjunction with a homeowners' or condominium association, unless the Township approves an individual property owner to assume maintenance responsibility.
3. Central Open Space Location Requirements
  - a) The required central open space shall be located in large, contiguous parcel(s) unless otherwise approved by the Board of Commissioners. These parcels shall meet the following standards:
    - 1) The parcel shall be centrally located within the development.
    - 2) The parcel shall be accessible by sidewalk or paved trail from every home within the development.
    - 3) The parcel shall be configured as a village green, parkway, or eyebrow as required by §3305.D.4, below.
  - b) All lots within an SR-4 development shall be located within one thousand (1,000) feet of some type of central open space.
  - c) There may be more than one (1) central open space provided that each central green space meets the minimum size requirements.
4. Central Open Space Design Options
  - a) Village Green. Each village green shall have no dimension less than seventy-five (75) feet.
  - b) Parkway. Each parkway shall have a minimum width of fifteen (15) feet, shall have a length of at least one-hundred fifty (150) feet, and shall be surrounded by streets on all sides.
  - c) Eyebrow. Each eyebrow shall be generally configured as a semi-circle, and shall be configured so that a circle with a radius of thirty (30) feet can fit within the confines of the eyebrow.
  - d) Cul-de-Sac Green Circle. Cul-de-sacs shall be constructed to the design standards as contained in the Township Subdivision and Land Development Ordinance, and shall be completely landscaped with a variety of shade,

ornamental, and evergreen trees; deciduous and evergreen shrubs; and/or perennial plantings, as approved by the Board of Commissioners.

5. Recreational Facilities. Community-appropriate recreation amenities shall be provided within the SR-4 District as per the Township's Subdivision and Land Development Ordinance.
6. Central Open Space Design Requirements
  - a) When feasible, existing healthy trees and shrubs shall be preserved within central open space areas.
  - b) Shade trees shall be provided along the perimeter of central open space areas, in accordance with Township's Subdivision and Land Development Ordinance.
  - c) All portions of central open space areas, except for those areas under sidewalks, water, furnishings, and recreational structures, shall be landscaped with trees, shrubs, groundcover, or grass.
  - d) Detention basins and other stormwater impounding areas, except for permanent wet ponds, rain gardens, and bio-swales may not be located in central open space areas used to meet the minimum amount of required central open space.
  - e) All central green spaces shall be planted for year-round color and interest and shall be designed by a landscape architect registered in the Commonwealth of Pennsylvania.

#### E. Trails and Sidewalks

1. All developments shall provide a safe and easily accessible pedestrian circulation system, including sidewalks and pedestrian/bicycle trails that are designed to connect with existing or proposed pedestrian ways and open space parcels on adjacent tracts where possible.
2. When a pedestrian/bicycle trail is located in a side yard or abutting the rear yard of a residential lot, a filtering buffer consisting of split rail fencing and/or landscaping should be used to buffer the trail from the adjacent residence.
3. All dwelling units and community amenities shall be connected by a trail or sidewalk.

#### F. Ownership and Maintenance of Common Facilities and Open Space

1. Ownership and maintenance of common facilities and open space shall be provided for in accordance with the regulations of the Township's Subdivision and Land Development Ordinance. All open space shall be permanently restricted from future development.
2. Maintenance. Unless otherwise agreed to by the Township, the cost and responsibility of maintaining common facilities shall be borne by the property owner, condominium association, or homeowner's association.

### **§3306. Standards for nonresidential development.**

## A. Dimensional Standards

1. Community or Recreation Facility for Age-Restricted Communities.
  - a) Minimum size: Two thousand (2,000) square feet.
  - b) Maximum structure length and/or width: Two hundred (200) feet.
  - c) Maximum height: Three habitable stories or fifty (50) feet, inclusive of all appurtenances, including air conditioning units, cupolas, architectural ornamentation, etc.
  - d) Office space shall consist of no more than ten (10) percent of the facility and shall not be in a separate building in the community.
  - e) Minimum distance from tract boundaries: Fifty (50) feet.
  - f) Minimum distance from residential buildings: Forty (40) feet.
  - g) Minimum distance from common parking areas: Twenty (20) feet.
  - h) Building and impervious coverages shall not exceed those set forth for an age-restricted community.
2. Waste, Storage and Maintenance Facilities
  - a) Maximum space devoted to waste, storage and/or maintenance facilities: Three-thousand five-hundred (3,500) square feet.
  - b) Maximum height: Twenty (20) feet.
  - c) Minimum distance from tract boundaries: Fifty (50) feet.
  - d) May not be visible from a public street and may not be closer to a public street than the front façade of any building.
  - e) Minimum distance from residential buildings: Fifty (50) feet.
  - f) Building and impervious coverages shall not exceed those set forth for the intended principal use.
3. Gazebos and Pavilions
  - a) Total space devoted to gazebos and pavilions: Two-thousand five-hundred (2,500) square feet.
  - b) Maximum height: Fifteen (15) feet.
  - c) Minimum distance from tract boundaries: Twenty (20) feet.
  - d) Minimum distance from residential buildings: Thirty-five (35) feet.
  - e) Building and impervious coverages shall not exceed those set forth for the intended principal use.
4. Gatehouse, Security Facility, or Bus Shelter
  - a) Total space devoted to gatehouses, security facilities and bus shelters: Seven hundred fifty (750) square feet.
  - b) Maximum height: Fifteen (15) feet.

- c) Minimum distance from residential buildings: Twenty (20) feet.
  - d) Minimum distance from ultimate right-of-way: Zero (0) feet.
  - e) Minimum distance from tract boundaries: Twenty (20) feet.
  - f) Building and impervious coverages shall not exceed those set forth for the intended principal use.
5. Carports and Detached Garages for Common Parking Areas (not located on an individual residential lot)
- a) Maximum number of parking spaces permitted per structure: Ten (10) standard passenger vehicles.
  - b) Maximum height: Twenty-five (25) feet.
  - c) Minimum distance from residential buildings: Twenty (20) feet.
  - d) Minimum distance from tract boundaries: Twenty (20) feet.
  - e) Building and impervious coverages shall not exceed those set forth for the intended principal use.
6. School
- a) Minimum lot size: Ten (10) acres of developable area.
  - b) Maximum building size: Seventy-five thousand (75,000) gross square feet.
  - c) Minimum lot width: Four hundred (400) feet.
  - d) Minimum front yard setback: One hundred (100) feet.
  - e) Minimum side yard setback: One hundred (100) feet.
  - f) Minimum rear yard setback: One hundred (100) feet.
  - g) Maximum building coverage: Twenty-five percent (25%) of developable area.
  - h) Maximum impervious coverage: Forty percent (40%) of developable area.
  - i) Maximum building height: Three habitable stories or forty-five (45) feet, inclusive of all appurtenances, including air conditioning units, cupolas, architectural ornamentation, etc.
7. Municipal or Government Office
- a) Minimum lot size: Three (3) acres of developable area.
  - b) Maximum building size: Thirty thousand (30,000) gross square feet.
  - c) Minimum lot width: One hundred fifty (150) feet.
  - d) Minimum front yard setback: Thirty (30) feet.
  - e) Minimum side yard setback: Thirty (30) feet.
  - f) Minimum rear yard setback: Thirty (30) feet.
  - g) Maximum building coverage: Twenty-five percent (25%) of developable area.
  - h) Maximum impervious coverage: Forty percent (40%) of developable area.

- i) Maximum building height: Thirty-five (35) feet.
  - 8. Municipal or Government Maintenance Facility
    - a) Minimum lot size: One (1) acre of developable area.
    - b) Maximum building size: Twenty-five thousand (25,000) gross square feet.
    - c) Minimum lot width: One hundred fifty (150) feet.
    - d) Minimum front yard setback: Forty (40) feet.
    - e) Minimum side yard setback: Twenty (20) feet.
    - f) Minimum rear yard setback: Twenty (20) feet.
    - g) Maximum building coverage: Sixty (60) percent of developable area.
    - h) Maximum Impervious coverage: Sixty-five percent (65%) of developable area.
    - i) Maximum building height: Thirty-five (35) feet.
- B. Nonresidential uses greater than five hundred (500) square feet shall only be permitted in the SR-4 District if a minimum of three (3) of the following sustainable building incentives are included:
  - 1. A minimum of eighty (80%) percent of individual building roof surfaces are covered by a vegetated roof.
  - 2. Rainwater harvesting for site irrigation or toilet flushing.
  - 3. Porous or permeable paving for all driveways and parking areas.
  - 4. Solar panels for each dwelling unit for use in hot water heating or electric supplementation.
  - 5. On-site use of geo-thermal heating and cooling systems for all of the building's heating and cooling needs.
  - 6. 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 glass wall, sky lights, windows 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 percent [15%]) in annual energy savings through the use of these methods. The decision of the Board of Commissioners is final in this regard.
  - 7. Other nationally recognized sustainable building incentives as approved by the Board of Commissioners.
  - 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.

#### B. Design Standards

1. Buildings, driveways, 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 feels 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.
2. 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 also 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.
3. Parking area setbacks must be a minimum of twenty-five (25) feet from the road right-of-way line shown on the plan.
4. Buildings. Applicants shall submit to the Planning Commission and Board of Commissioners architectural renderings showing the design, materials and colors of proposed buildings prior to final plan approval. All nonresidential buildings shall be designed using the following criteria:
  - a) No building may be wider than fifty (50) feet without a significant plane change of at least ten (10) feet in depth on at least one story of the building, e.g. the building wall is not straight, but is broken by angle changes of forty-five (45) to ninety (90) degrees at least ten (10) feet in depth. Plane changes may include bump outs in the exterior wall(s), dormer or structural bay windows, porticos, or other architectural design features, as approved by the Board of Commissioners.
  - b) A minimum of thirty percent (30%) of all building façades shall contain brick or stone as approved by the Board of Commissioners.
  - c) Shutters, columns, porticos, and other architectural details shall be included, at the discretion of the Board of Commissioners.
  - d) At a minimum, ornamental trees and shrubs, evergreen trees and shrubs and/or perennial plants shall be planted around the foundation, as approved by the Board of Commissioners.

- e) Walls, opaque fences, and/or dense landscaped buffers may be substituted for some or all of the above architectural details, at the discretion of the Board of Commissioners, unless it is for the front of a building.

### C. Roadways and Vehicular Circulation

#### 1. Roadways

- 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) Access roads or driveways into the SR-4 District from Evergreen Road or from Pleasantview Road shall be designed as a boulevard with a ten (10) foot wide planted median.
- c) 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.

#### 2. Street Layout

- a) Streets within SR-4 developments shall be interconnected with each other and with streets on abutting properties to the greatest extent possible. Cul-de-sacs and dead ends shall not be permitted.
- b) Streets shall conform to the street grid depicted in the Township's Official Map if they are indicated on the official map.

### D. Open Space Standards

- 1. At least twenty-five percent (25%) of the gross tract area shall consist of open space.
- 2. Central Open Space Location Requirements
  - a) The required central open space shall be located in one, contiguous parcel unless otherwise approved by the Board of Commissioners.
  - b) The parcel shall be centrally located within the development.
  - c) The parcel shall be accessible by sidewalk or paved trail from public roads and right-of-ways or publicly or privately-owned open space.
- 3. Open Space Design Requirements
  - a) Open space shall be designed in accordance with the Township's Subdivision and Land Development Ordinance.
  - b) When feasible, existing healthy trees and shrubs shall be preserved within central open space areas.
  - c) Detention basins and other stormwater impounding areas, except for permanent wet ponds, rain gardens, and bio-swales may not be located in central open space areas used to meet the minimum amount of required central open space.

- d) All central green spaces shall be planted for year-round color and interest and shall be designed by a landscape architect registered in the Commonwealth of Pennsylvania.

E. Ownership and Maintenance of Common Facilities and Open Space

1. Ownership and maintenance of common facilities and open space shall be provided for in accordance with the regulations of the Township's Subdivision and Land Development Ordinance. All open space shall be permanently restricted from future development.
2. Maintenance. Unless otherwise agreed to by the Township, the cost and responsibility of maintaining common facilities shall be borne by the property owner or condominium association.

F. All nonresidential uses, nonresidential accessory structures, and age-restricted accessory structures shall be buffered in accordance with the Township's Landscape Regulations in the Subdivision and Land Development Ordinance.

**§3307. Standards for consideration of conditional use.**

A. General development standards.

1. Residential standard shall follow the guidelines of §3305.
2. Nonresidential developments shall follow the guidelines of §3306.

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

1. All conditional use applications shall meet the requirements for conditional use applications as set forth in the Lower Pottsgrove Zoning Ordinance.
2. 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 feels 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.
3. 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.
4. Setbacks for off-street parking areas must be a minimum of twenty-five (25) feet from the road right-of-way line.

5. Architectural Standards for Conditional Uses. The Township wishes to create a high standard of excellence for architecture for allowed conditional uses. To that end, the Applicant shall follow the following steps in the design of the proposed architecture:
  - a) Concurrent with the filing of the conditional use application, 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 of Commissioners, 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.
  - b) Once the photographic examples (or building elevations) are approved by the Board of Commissioners, the Applicant shall submit scaled drawings of the buildings including but not limited to floor plans, elevations, and perspective sketches to illustrate the architectural details of the proposed buildings.
  - c) 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 high quality design and materials that are required as a part of the conditional use process and all of which are subject to the approval by the Board of Commissioners.
  - d) All architectural designs, details and building materials, once approved by the Board of Commissioners, shall be used by the Applicant for all construction within the development. Significant variances from the approved characteristics shall require additional conditional use approval when determined necessary by the Board of Commissioners.
  - e) 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.
  - f) The architectural plans should specify the basic building configurations and provide the opportunity for specific potential additions such as porches, patios, decks, or additional rooms. These additional features shall be compatible with the original architectural standards.

### **§3308. Lighting.**

Lighting facilities within the SR-4 shall be provided in accordance with the Exterior Lighting Standards of the Township's Zoning Ordinance and arranged in a manner which protects the existing frontage roads and neighborhood properties from unreasonable and direct glare

or hazardous interference of any kind. Lighting should be designed to avoid excess light pollution and direct glare into proposed residences.

**§3309. Landscaping.**

Landscaping shall be provided in accordance with the Landscape Regulations of the Township's Subdivision and Land Development Ordinance.

**§3310. Signs.**

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

**§3311. Parking.**

- A. Parking shall meet the requirements of the Parking Regulations in the Township Zoning Ordinance.
- B. Parking lot landscaping shall meet the requirements of Landscape Regulations of the Township Subdivision and Land Development Ordinance.
- C. At least one loading/unloading area shall be provided for any community center facility, house of worship, bus shelter and school. Such area(s) shall be placed in such a location that there is no interference between the service vehicles and parking/vehicular circulation.

**§3312. Trash, recycling and refuse areas.**

Provision shall be made for the storage of trash, refuse, garbage, and recyclables, whether inside a building(s) or within a walled or fenced area outside the building(s) which shall be constructed of brick, stone, stucco, wood, or other material acceptable to the Township. The walls or fences of such trash and refuse areas must shield the contents of the enclosure from direct view of any residences and shall be of compatible design and materials with the building(s) which it services. Proper ingress and egress must be provided for removal of the trash, refuse, garbage and recyclables, without conflict with parked vehicles or circulation. Landscaping shall be provided around the nonparking lot side(s) of any enclosure to soften the appearance of the enclosure.

**§3313. Declaration of restrictive covenants for age-restricted communities.**

At the time of subdivision and land development, as a prerequisite to final plan approval, the developer shall record a declaration against the lands proposed for development in a form acceptable to the Township Solicitor, binding all portions of the site and present and future owners thereof, to the restriction requiring compliance with this Ordinance and all laws and regulations governing age-restricted communities. The content and substance of the declaration shall conform to all federal and state regulations pertaining to age restricted housing. The following are the minimum requirements for the declaration:

- A. Provisions for the establishment of a homeowners' association or other similar entity as approved by the Township, with mandatory membership by the current owner of each dwelling unit represented in the final plan.
- B. Parties to the Declaration of Restrictive Covenants shall be bound by all restrictions contained therein and shall include, at a minimum, members of the aforementioned association(s), developer, mortgagees of any lot and/or building on the tract, legal entity responsible for the operations of the community center and its associated facilities and any other parties having any interest in all or any part of the proposed development and the Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the declaration in the event that the responsible association(s) or other entities, fail to do so.
- C. Cross easement shall be included which shall assure proper circulation throughout the development and access to all common recreation and open space areas, roadways and common parking areas.
- D. Maintenance provisions shall be included for any community/recreation center, other recreation facilities, circulation network, common parking areas, landscaping, stormwater facilities, sustainable building initiatives, and all other areas not individually controlled by a homeowner in fee title.
- E. Provisions to ensure that the development of any buildings, parking, or other similar improvements be prohibited on any lots to be utilized solely for open space purposes as indicated on the most currently approved subdivision and/or land development plan.
- F. Provisions stipulating each lot owners'/residents' rights with respect to common areas.
- G. Residency restrictions applicable to a development in this District shall be included in the Declaration of Restrictive Covenants and as additionally specified herein, except as follows:
  - 1. Individual units may occasionally house persons age eighteen (18) years or younger, such as grandchildren, provided they reside within the unit for not more than ninety (90) days in any calendar year.
  - 2. This subsection shall not require members of a household to move out of a dwelling unit if they qualified for residency at the time of their initial occupancy and no longer meet the requirements for residency because a resident age 55 or older died, divorced, was placed in a nursing or other similar assisted care facility or experienced a similar circumstance.
  - 3. The applicant shall provide to the satisfaction of the Board of Commissioners that an appropriate entity, such as a homeowners' association, will have appropriate authority through deed restrictions or similar mechanisms to ensure compliance with the age limitations.
- H. Any additional restrictions which will be applied to the development which are more restrictive than existing Township regulations.
- I. Any change to cross easements, maintenance responsibilities, or other applicable restrictions which is substantiative in the opinion of the Board of Commissioners will

necessitate an amendment to the Declaration of Restrictive Covenants to be submitted, approved, and recorded to replace any prior such document.

- J. No subdivision or land development plan for any development on the subject development tract shall be approved without a current recorded Declaration of Restrictive Covenants.

**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 1<sup>st</sup> 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