

UPPER POTTS GROVE TOWNSHIP  
MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 524

AN ORDINANCE OF THE TOWNSHIP OF UPPER POTTS GROVE, MODIFYING THE ZONING ORDINANCE, CHAPTER 350, AND ZONING MAP BY AMENDING: (1) SECTION 350-207, ROUTE 100 COMMERCIAL OVERLAY DISTRICT DIMENSIONAL STANDARDS; (2) SECTION 350-206.A, PERMITTED USES AND STRUCTURES; (3) SECTION 350-206.B, SPECIAL EXCEPTION USES; (4) 350-206.C, CRITERIA FOR SPECIAL EXCEPTION USES; (5) SECTION 350-211, ROUTE 100 COMMERCIAL OVERLAY DISTRICT SIGN REGULATIONS; (6) SECTION 350-212, ROUTE 100 COMMERCIAL OVERLAY DISTRICT DESIGN STANDARDS; (7) SECTION 350-213, ROUTE 100 COMMERCIAL OVERLAY DISTRICT LIGHTING STANDARDS; (8) SECTION 350-209.A(2), ROUTE 100 COMMERCIAL OVERLAY DISTRICT BUFFER STANDARDS; (9) SECTION 250-209.B ROUTE 100 COMMERCIAL OVERLAY DISTRICT LANDSCAPE, BUFFERS AND SCREENS STANDARDS; (10) SECTION 350-208, ROUTE 100 COMMERCIAL OVERLAY DISTRICT PARKING AND ACCESS STANDARDS; (11) REPEALER AND RATIFICATION; (12) SEVERABILITY; (13) ENACTMENT AND EFFECTIVE DATE

WHEREAS, Upper Pottsgrove Township adopted and enacted a Zoning Ordinance in 1976 ("Zoning Ordinance") and has amended the same from time to time;

WHEREAS, Upper Pottsgrove Township adopted a Zoning Map ("Zoning Map") identifying the applicable zoning district for every property within Upper Pottsgrove Township; and

WHEREAS, the Board of Commissioners of Upper Pottsgrove Township has determined that revisions are needed to the Zoning Ordinance to add certain regulations and to amend and correct other sections of the Zoning Ordinance.

NOW, THEREFORE, it is hereby ordained and enacted by the Board of Commissioners of Upper Pottsgrove Township, Montgomery County, Pennsylvania, that the Zoning Ordinance and Zoning Map shall be amended as follows:

**I. Amendment to the Route 100 Commercial Overlay District Section 350-207 to add an additional development standard.** Section 350-207 shall be amended to add a subsection A to read as follows:

A. Where the Board of Commissioners has approved development plans in the Route 100 Commercial Overlay District for a tract, individual units, buildings, or parcels of land within the approved development may be subdivided, leased, purchased, sold, mortgaged, and developed as individual zero lot line units with zero lot line setbacks from internal

parking and building lines. Access to individual lots so created shall be taken only from within the development.

**II. Amendment to the Route 100 Commercial Overlay District Section 350-206.A to add a By-Right Use.** Section 350-206.A shall be amended to add an additional by-right uses as follows:

(16) Church, exempt from the Institutional Use Regulations of Article IV Section 350-

(17) Automotive garage or service station, subject to the following limitations:

(a) All activities shall be performed within a completely enclosed and roofed building. Outdoor storage (including vehicles being serviced) shall not be permitted. Body repairs and/or painting shall not be permitted.

(b) Canopies shall be designed and constructed to meet the following standards:

(1) Canopies shall meet the minimum setback requirements of principal structures.

(2) Canopies shall have a maximum height of 14 feet measured to the underside.

**III. Amendment to the Route 100 Commercial Overlay District Section 350-206.B to remove Automotive garage or service station as a special exception use.** Section 350-206.B shall be amended to read as follows:

B. Special Exception uses.

(1) Car wash.

(3) Community center.

(4) Veterinary clinic.

(4) Nursery/garden center.

(5) Uses not listed in this article that are determined by the Township Board of Commissioners to be of similar nature to the uses permitted by right listed in this subsection.

**IV. Amendment to the Route 100 Commercial Overlay District Section 350-206.C to remove special exception criteria for Automotive garage or service station use.**  
Section 350-206.C shall be amended to read as follows:

**C. Criteria for special exception uses.**

- (1)** Car washes, provided that the following requirements are met:
  - (a)** All car washes shall be served by public sewer and public water facilities.
  - (b)** All washing and drying facilities shall be located entirely within an enclosed and roofed building, or roofed structure.
  - (c)** Each automatic car wash bay shall provide on-site stacking lanes to accommodate a minimum of five vehicles. Self-service car washes shall provide sufficient on-site stacking lanes to accommodate three vehicles per washing bay.
  - (d)** All car wash bays shall be oriented parallel to the street. In the case of a corner lot, the bays shall face the street of lower classification or as determined by the Board of Commissioners upon the recommendation of the Planning Commission.
  - (e)** On-site drainage systems shall be provided to prevent water runoff and freezing on streets and adjoining properties.
  - (f)** No accessory building shall be permitted.
  - (g)** On-site drainage systems will enter a water cleansing procedure enabling the water to be reused.
- (2)** Veterinary clinic. Buildings shall be adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary. No shelter, run, or structure that will contain animals at night shall be located within 100 feet of any property line or street line.
- (3)** Nursery/garden center.
  - (a)** Outdoor storage shall be limited to 75% of the total site area.

- (b) All non-plant materials shall be stored and displayed behind areas that are clearly defined for such purpose, and are screened from public roads and residential properties.
  - (c) Such uses shall have a defined pickup area that does not interfere with the flow of internal traffic or required parking areas.
  - (d) Parked or idling commercial vehicles and outdoor storage areas shall be located at least 60 feet from residential property lines and street ultimate right-of-way lines.
- (4) The applicant shall be required to submit a sketch plan for all special exception uses set forth in this article. [Added 4-18-2011 by Ord. No. 446]

**V. Amendment to the Route 100 Commercial Overlay District signage regulations.** Section 350-211 shall be re-written to read as follows:

**§350-211 Signs**

Except as provided in this Section, signage in the Overlay District shall be regulated in accordance with § 350-138. Within the Overlay District the regulation is this Section 211 through 211.5 shall apply:

**§350-211.1 Definitions:**

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

- 1) **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

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

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

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

1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.

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

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

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

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

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

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

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

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

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

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

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

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

**§350-211.2: Electronic Message Centers.**

- A. In the Overlay District, the maximum height of any Freestanding Sign shall be 35 feet.
- B. The provisions of 350-137 F (1), (2), (3) (c), (3) (e), (3) (f), (4) (e), (4) (f), and (8) shall not apply to EMCs in the Overlay District.
- C. Only one side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45°, and the two faces are not more than 36 inches apart. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45° and the two faces are not more than 36 inches apart, the larger sign face shall be used as the basis for calculating sign area.
- D. In the Overlay District, each Freestanding Sign, including signs that feature more than one tenant, shall have a maximum area of 350 square feet.
- E. Additional general EMC regulations:
  - (1) An EMC sign may be a portion of a building sign or freestanding sign or may comprise the entire sign area.
  - (2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance sign illumination standards of Section 350-211.3.
- F. All EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Full motion video as described shall be permitted by special exception only.

**§350-211.3: Sign Illumination Standards.**

EMCs may be illuminated consistent with the following standards:

- A. A sign may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits.
- B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.
- C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that the Board of Supervisors has adopted, or will adopt in the future.

**§350-211.4: Wall Signs. The following sign regulations shall supersede the corresponding provisions of Section 350-139.**

- A. Each wall sign shall have a maximum area of 20% of the exterior wall area of the wall to which the sign is attached (including window and door area and cornices).
- B. The total area of all wall, awning/canopy, and projecting signs shall be limited to 1.5 square feet per one linear foot of building frontage that faces a public street or public parking lot, subject to maximum size limitations based on sign type.

**§350-211.5: Directional Signs.**

- A. Directional signs may contain commercial messaging and logos and may be internally illuminated.

**VI. Amendment to the Route 100 Commercial Overlay District Section 350-212.**  
Section 212 shall be amended to delete subsections 350-212.E and 350-212.F in their entirety.

**VII. Amendment to the Route 100 Commercial Overlay District Section 350-213.**  
Section 350-213 shall be amended to add the following subsection L:

- L. Light emitting diodes (LEDs) are permitted as a lighting source on all lighting facilities.

**VIII. Amendment to the Route 100 Commercial Overlay District to replace Section 350-209.A(2).** Subsection 350-209.A(2) shall be amended to read as follows:

- (2) A buffer is not required along tract lines abutting a street; however, street trees shall be provided in accordance with 310-37 D. When required, a buffer may be contained within a front, side or rear yard setbacks.

**IX. Amendment to the Route 100 Commercial Overlay District to replace Section 350-209.B.** Section 350-209.B shall be amended to read as follows:

- B. Refuse and recycling collection receptacles and area shall be screened from view of any adjacent property with one of the following:
  - (1) An opaque wall or fence six feet in height. Walls or fences shall be constructed of materials other than chain link, chain link with slats, or unpainted cinder block, and shall be equipped with a self-closing gate. When approved by the Board of Commissioners, cinder blocks shall be painted to match the principal building.
  - (2) Evergreen shrubs planted at least four feet in height, in a planting area at least five feet in width.

**X. Amendment the Route 100 Commercial Overlay District to amend and replace Section 350-208.** Section 350-208 shall be amended to read as follows:

**§350-208 Parking and access.**

- A. Parking Areas. Sections 310-20 C. (5), (8) and (12) shall not apply to the Overlay District.
- B. Access. Access to nonresidential uses in the Route 100 Commercial Overlay District must include access from Upland Square Drive

**XI. Repealer and Ratification.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. The remainder of the Zoning Ordinance, which is unaffected by the present ordinance, shall remain in full force and effect, and the same is hereby ratified and affirmed.



**XII. Severability.**


Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**XIII. Enactment and Effective Date.**

This Ordinance shall be effective in five days and shall remain in force until modified, amended or rescinded by Upper Pottsgrove Township, Montgomery County, Pennsylvania.

**ORDAINED AND ENACTED** by the Board of Commissioners of the Township of Upper Pottsgrove this 20<sup>th</sup> day of May, 2024.

Attest:

  
Jeannie DiSante, Secretary

**UPPER POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS**

BY:

  
Trace Slinkerd, President