

**BOARD OF SUPERVISORS  
LOWER GWYNEDD TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**“Lower Pike Overlay District and Map Amendment”**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF LOWER GWYNEDD TOWNSHIP, PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING) TO ADD A NEW CHAPTER 1271 ENTITLED “LOWER PIKE OVERLAY DISTRICT” SETTING FORTH: THE APPLICATION OF CHAPTER; PERMITTED USES; PROHIBITED USES; LOT AREA AND LOT WIDTH; YARDS; LOT COVERAGE; BUILDING HEIGHT; OFF-STREET PARKING; SPECIAL REQUIREMENTS; AND FURTHER AMENDING THE OFFICIAL ZONING MAP OF LOWER GWYNEDD TOWNSHIP TO ADD THE “LOWER PIKE OVERLAY DISTRICT” WHICH SHALL BE APPLICABLE TO CERTAIN PROPERTIES IN THE TOWNSHIP ALONG BETHLEHEM PIKE, AS SHOWN ON THE ILLUSTRATIVE MAP ATTACHED TO THE ORDINANCE AS EXHIBIT “A”.**

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The Board of Supervisors of Lower Gwynedd Township does hereby **ENACT and ORDAIN** as follows:

**SECTION I. Amendment to Code**

The Codified Ordinances of Lower Gwynedd Township, Title Twelve (Planning and Zoning), Part Six (Zoning) is hereby amended to add the following new Chapter 1271 entitled “Lower Pike Overlay District”:

**CHAPER 1271**

**Lower Pike Overlay District**

**§1271.01 Application of chapter.**

In the Lower Pike Overlay District, the regulations set forth in this Chapter shall apply.

**§1271.02 Permitted uses.**

In the Lower Pike Overlay District, a lot may be used for any of the following purposes and no other:

- (a) Multifamily residential.
- (b) Office.
- (c) Retail/Personal Service.
- (d) Convenience Store with associated sale of motor vehicle fuels.
- (e) Any combination of the above uses.
- (f) Municipal use.

**§1271.03 Prohibited uses.**

The following uses are specifically prohibited:

- (a) Public garages.
- (b) Motor vehicle sales.
- (c) Motor vehicle service or repair.
- (d) Motor vehicle rental or leasing.
- (e) Motor vehicle service stations.
- (f) Trucking terminals.

**§1271.04 Lot area and width.**

(a) Minimum Lot Area. In the Lower Pike Overlay District, a lot area of not less than two (2) gross acres shall be provided for non residential development.

- i. A lot area of not less than three (3) gross acres shall be provided for every development with a residential component.

(b) Minimum Lot Width. In the Lower Pike Overlay District, a lot width of not less than 150 feet shall be provided for every development.

**§1271.05 Yards.**

- (a) Front Yards. In the Lower Pike Overlay District, there shall be a front yard adjacent to every street , which yard shall be not less than 20 feet.
- (b) Side Yards. In the Lower Pike Overlay District, there shall be two side yards on each lot, neither of which shall be less then 10 feet wide.
- (c) Rear Yards. In the Lower Pike Overlay District, there shall be a rear yard, which yard shall not be less than 20 feet in depth.
- (d) Residential Adjacencies. In the Lower Pike Overlay District, where the property abuts a residentially zoned property there shall be a yard, which yard shall not be less than 30 feet in width, and which yard shall be planted and maintained as an opaque buffer during all seasons of the year.
- (e) The above cited yard restrictions shall apply to all impervious surface coverings of any kind.

**§1271.06 Lot coverage.**

- (a) Impervious Coverage. The total impervious coverage shall not exceed 75%.

**§1271.07 Building height.**

The maximum height for any building or structure in the Lower Pike Overlay District shall be 40 feet and a maximum of 2.5 stories.

**§1271.08 Off-street parking.**

- (a) Residential use. For each dwelling unit in the Lower Pike Overlay District, 2.5 parking spaces shall be provided.
- (b) Non-residential use. For any permitted use, other than residential, parking facilities shall be provided in accordance with Chapter 1294.
- (c) Exception. When the combination of uses would allow for the reduction of the above required parking in subparagraph (a) and (b), and when it can be demonstrated by a study prepared by a Professional Traffic Engineer, the parking count may be reduced by the Township. The study must be reviewed and accepted by the Township Traffic Engineer.
- (c) Access. All parking spaces must have unobstructed access at all times.

**§1271.09 Special requirements.**

(a) Design. Each project proposed for the Lower Pike Overlay District shall have its design be subject to conditional use approval by the Board of Supervisors. The design shall be fully integrated and all elements of the project, including but not limited to, building size, shape, materials and fenestration, signs, streetscape furniture, landscaping, lighting, hardscape and colors shall be established for the entire project.

(b) Density. In the Lower Pike Overlay District the number of dwelling units per developable acre of the tract shall not exceed six (6).

(b) Site Lighting. Exterior lighting provided in conjunction with any non residential building or use shall be placed not higher than 14 feet above grade and shall be screened so as not to permit the source of illumination to be seen from off the premises. Only color corrected types of illumination shall be used. The hours of illumination of such lights shall be limited to hours of business operation and shall otherwise be extinguished between 10:00 p.m. and 6:00 a.m. of the following day, prevailing time.

**SECTION II. Amendment to the Official Zoning Map of Lower Gwynedd Township**

The Official Zoning Map of Lower Gwynedd Township is hereby amended to add the Lower Pike Overlay District as shown on the illustrative map attached hereto as Exhibit "A".

**SECTION III. Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION IV. Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION V. Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION VI. Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED and ENACTED** by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**LOWER GWYNEDD TOWNSHIP**

By: \_\_\_\_\_  
**Edward J. Brandt**, Chairman  
Board of Supervisors

Attest: \_\_\_\_\_  
**Larry M. Comunale**, Secretary

# LOWER PIKE OVERLAY ZONING DISTRICT

October, 2012

