

**BOARD OF SUPERVISORS  
LOWER GWYNEDD TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

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

**“D-1 Special Use District Amendments”**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF LOWER GWYNEDD TOWNSHIP, PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1250 (SHORT TITLE; STATEMENT OF COMMUNITY INTENT; INTERPRETATION; CONFLICT OF LAWS; DEFINITIONS) TO ADD DEFINITIONS FOR THE TERMS “HOTEL” AND “CONFERENCE CENTER”; AMENDING PART TWELVE (PLANNING AND ZONING), CHAPTER 1282 (D-1 SPECIAL USE DISTRICT), SECTION 1282.02 (PERMITTED USES) TO PERMIT A HOTEL BY CONDITIONAL USE, A CONFERENCE CENTER BY CONDITIONAL USE, A RESTAURANT AND CATERING ESTABLISHMENT BY CONDITIONAL USE, A FITNESS, HEALTH AND WELLNESS FACILITY WITHIN A BUILDING BY CONDITIONAL USE, AN OUTDOOR FITNESS, HEALTH OR WELLNESS FACILITY AS A PERMITTED ACCESSORY USE AND AN EDUCATIONAL OR TRAINING FACILITY IN SUPPORT OF A PERMITTED USE AS A PERMITTED ACCESSORY USE; FURTHER AMENDING CHAPTER 1282 (D-1 SPECIAL USE DISTRICT), SECTION 1282.09 (SPECIAL REQUIREMENTS) TO ESTABLISH ADDITIONAL SPECIAL REQUIREMENTS APPLICABLE TO HOTEL, CONFERENCE CENTER AND RESTAURANT USES IN THE DISTRICT; AMENDING CHAPTER 1288 (F-1 SPECIAL USE DISTRICT), SECTION 1288.02 (PERMITTED USES) TO ALLOW A SCIENTIFIC RESEARCH LABORATORY, AN ENGINEERING CENTER, AND/OR AN OFFICE BUILDING; AMENDING PART TWELVE (PLANNING AND ZONING CODE) CHAPTER SIX (ZONING) CHAPTER 1294 (OFF-STREET PARKING AND LOADING) SUBSECTION 1294.01(B)(1) AND SUBSECTION 1294.01(B)(9) (REQUIRED OFF-STREET PARKING FACILITIES) TO PROVIDE FOR CONFERENCE CENTER AND HOTEL PARKING; AND AMENDING PART TWELVE (PLANNING AND ZONING CODE), CHAPTER 1298 (GENERAL PROVISIONS), SECTION 1298.20 (PARKING STRUCTURES) TO ADD THE D-1 SPECIAL USE DISTRICT AS A PERMITTED ZONE TO SUBSECTION (A); AND FURTHER AMENDING SECTION 1298.20(A)(2) AND SECTION 1298.20(A)(4).**

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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, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1250 (Short Title; Statement of Community Intent; Interpretation; Conflict of Laws; Definitions) is hereby amended to add the following new defined terms:

Hotel. "Hotel" means a building and associated parking and other uses customarily accessory to hotels in the five (5) county Philadelphia Metropolitan Area (and specifically including restaurants and meeting rooms) providing transient lodging accommodations to the general public for compensation.

Conference Center. "Conference Center" means a building or portion thereof, operated in conjunction with a Hotel, used primarily as a professional meeting and training facility, including banquet and food service facilities in support of the operation of the facility.

**SECTION II. Amendment to Code.**

The Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1282 (D-1 Special Use District), Section 1282.02 (Permitted Uses) is hereby amended to add the following new subsections:

(e) The following uses shall be permitted by conditional use on properties in excess of fifty (50) acres when the conditional use application is accompanied by a full traffic study demonstrating that there will be (after the proposed use is in operation) either (1) less than a full letter grade of level of service diminution for all movements at all intersection deemed materially impacted by the Township's Traffic Engineer; or (2) the construction of traffic improvements at such intersections which, in the reasonable opinion of the Township Traffic Engineer will prevent such decrease in any level of service at such intersection:

(i) A hotel when authorized as a conditional use by the Board of Supervisors, subject to the requirements of Section 1282.09(j) and Section 1298.07.

(ii) A conference center when authorized as a conditional use by the Board of Supervisors, subject to the requirements of Section 1282.09(k) and Section 1298.07.

(iii) A restaurant, with or without a catering establishment, and/or a liquor license, but not including the sale of prepared food for consumption in automobiles or primarily off the premises, in a building existing on the premises as of 1/1/19, and only when authorized as a conditional use by the Board of Supervisors, and subject to the requirements of Section 1282.09(l) and Section 1298.07.

(iv) A fitness, health and wellness facility within a building, with such use limited to 2,500 square feet in space.

(f) Accessory Uses. The following accessory uses shall be permitted:

(i) An outdoor fitness, health or wellness facility no greater than 2,000 square feet in size, with associated access for pedestrians and vehicles, available free of charge to all the tenants of the property and the general public, with parking therefor deemed sufficient by the Board of Supervisors and the Township Engineer.

(ii) An educational or training facility in support of a permitted use.

### **SECTION III. Amendment to Code.**

The Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1282 (D-1 Special Use District), Section 1282.09 (Special Requirements) is hereby amended to add the following new subsections:

(i) Is hereby deleted and noted as “Reserved”.

(j) Hotels. In addition to the requirements of this Chapter 1282 (D-1 Special Use District), a hotel in a “D-1” Special Use District shall be subject to the following special requirements:

(1) The Hotel shall have no more than 120 guest rooms.

(2) No more than one Hotel shall be permitted within a contiguous master plan within any “D-1” Special Use District.

(3) Any outdoor space intended for the use and enjoyment of Hotel guests or the general public shall be incorporated into, and accessible to, the other permitted uses in the overall master plan.

Any outdoor food and beverage service, and any outdoor music or other outdoor entertainment or activities, shall cease operations by 10:00 PM nightly.

(k) Conference center. In addition to the requirements of this Chapter 1282 (D-1 Special Use District), a conference center in a “D-1” Special Use District shall be subject to the following special requirements:

(1) The Conference Center may be connected to a Hotel. In the event that a covered walkway connects the Conference Center and a Hotel or a restaurant, each structure shall continue to be considered a Building or a Principal Building, as defined in the Zoning Code, and the walkway shall not be considered a violation of the building spacing required by Section 1282.09(g) but the walk shall provide such fire-safety measures as shall be required by the applicable fire code or as reasonably suggested at the time of Plan Approval by the Township Fire Marshall.

(2) The Conference Center shall be intended for the use and enjoyment of tenants, licensees and invitees of the “D-1” Special Use District and for the general public provided that the maximum number of attendees at any single event shall be no more than 250 people.

(3) Any outdoor space intended for the use and enjoyment of the Conference Center patrons and the general public shall be incorporated into, and accessible from, the other permitted uses in the overall master plan. Any outdoor food and beverage service, and any outdoor music or other outdoor entertainment or activities, shall cease operations by 10:00 PM nightly.

(l) Restaurant. In addition to the requirements of this Chapter 1282 (D-1 Special Use District), a restaurant in a “D-1” Special Use District shall be subject to the following special requirements:

(1) The restaurant shall be intended for the use and enjoyment of tenants, licensees and invitees of the “D-1” Special Use District and for the general public.

(2) Any outdoor space intended for the use and enjoyment of the conference center or restaurant patrons and the general public shall be incorporated into, and accessible from, the overall master plan. Any outdoor food and beverage service, and any outdoor music or other outdoor entertainment or activities, shall cease operations by 10:00 PM nightly.

**SECTION IV. Amendment to Code.**

The Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1294 (Off-Street Parking and Loading), Section 1294.01 (Required Off-Street Parking Facilities) is hereby amended to repeal and replace the below subsections as follows:

(b)(1) Church, school, public auditorium, conference center, assembly or meeting room, or other similar place for public or semi-public assembly. One space for every three seats provided for assembly;

(b)(9) Hotel or Motel. One space for every rental unit, plus one space for every employee on the two largest shifts, plus one space for every three seats in the meetings. Parking for dining rooms shall be as set forth in subparagraph (b)(11) below;

**SECTION V. Amendment to Code.**

The Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1288 (F-1 Limited Industrial District), Section 1288.02 (Permitted Uses) is hereby amended to delete subsection (b) in its entirety and replace subsection (b) as follows:

(b) A scientific research laboratory, an engineering center, and/or an office building.

**SECTION VI. Amendment to Code.**

The Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1298 (General Provisions), Section 1298.20 (Parking Structures) is hereby amended to add D-1 Special Use District to subsection (a) and to amend Section 1298.20(2) and Section 1298.20(4) as follows:

(2) Parking structures shall be located entirely within the principal building envelope, except in the instance where the subject property is immediately adjacent to the right of way of a limited access highway. Parking structures immediately

adjacent to such a highway may be located no closer than 50' from the ultimate right of way of the adjacent highway, which shall be considered the parking setback line. When located in the D-1 Special Use District, parking structures shall be no greater than two (2) stories in height.

(3) The exterior facade of the parking structure shall be of a design and materials consistent with adjacent occupied structures on the site. Compatibility of design shall be accomplished through the use of like materials, similar detailing and harmonious proportioning of the design elements. The design shall be subject to the review and approval of the Board of Supervisors at the appropriate stage in the land development approval process.

**SECTION VII. 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 VIII. 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 IX. Effective Date.**

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

**SECTION X. Repealer.**

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

[Signature page to follow]

**ORDAINED and ENACTED** by the Board of Supervisors of Lower Gwynedd Township,  
Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**LOWER GWYNEDD TOWNSHIP**

By: \_\_\_\_\_  
**Kathleen Hunsicker**, Chair  
Board of Supervisors

Attest: \_\_\_\_\_  
**Craig McAnally**, Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Lower Gwynedd, at its public meeting on May 14, 2019 at 7:00 P.M. in the Township Building, 1130 North Bethlehem Pike, Spring House, PA., Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled “D-1 Special Use District Amendments” amending the Codified Ordinances of Lower Gwynedd Township, Part Twelve (Planning and Zoning Code), Title Six (Zoning), Chapter 1250 (Short Title; Statement of Community Intent; Interpretation; Conflict of Laws; Definitions) to add definitions for the terms “hotel” and “conference center”; amending Part Twelve (Planning and Zoning Code), Chapter 1282 (D-1 Special Use District), Section 1282.02 (Permitted Uses) to permit the following by conditional use on properties greater than 50-acres (i) a hotel, (ii) a conference center, (iii) a restaurant and catering establishment, and (iv) a fitness and wellness facility up to 2,500 square feet and the following accessory uses as permitted (i) an outdoor fitness area up to 2,000 square feet and (ii) an educational or training facility in support of a permitted use as a permitted accessory use in the district; amending Chapter 1282 (D-1 Special Use District); further amending Chapter 1282 (D-1 Special Use District), Section 1282.09 (Special Requirements) to establish additional special requirements applicable to hotel, conference center and restaurant uses in the district; amending Chapter 1288 (F-1 Special Use District), Section 1288.02 (Permitted Uses) to allow a scientific research laboratory, an engineering center, and/or an office building; amending Chapter 1294 (Off-Street Parking and Loading), Section 1294.01 to provide off-street parking requirements for the hotel and conference center; and amending Chapter 1298 (General Provisions), Section 1298.20 (Parking Structures) to add parking structures within the D-1 Special Use District and amending Sections 1298.20(2) and 1298.20(4).

Copies of the proposed Ordinance are available for examination during normal business hours at the offices of *The Reporter*, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Lower Gwynedd Township Building, 1130 North Bethlehem Pike, Spring House, Pennsylvania, 19477 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**SCOTT C. DENLINGER, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Lower Gwynedd Township



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Proof of Publication Required