

BOARD OF SUPERVISORS
LOWER GWYNEDD TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 549

AN ORDINANCE OF THE TOWNSHIP OF LOWER GWYNEDD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE LOWER GWYNEDD TOWNSHIP CODE OF ORDINANCES, PART TWELVE PLANNING AND ZONING CODE, TITLE SIX ZONING, CHAPTER 1276 MF-3 MULTI-FAMILY RESIDENTIAL DISTRICT, § 1276.02 “PERMITTED USES” BY ADDING A MIXED-USE DEVELOPMENT OPTION AUTHORIZED BY CONDITIONAL USE; AND BY ADDING A NEW SECTION 1276.09 “REGULATIONS AND STANDARDS FOR A MIXED-USE DEVELOPMENT” WHICH INCLUDES PROVISIONS FOR WORKFORCE HOUSING AND PROVIDES FOR DIMENSIONAL AND PARKING REGULATIONS AND DEVELOPMENT STANDARDS FOR THE MIXED-USE DEVELOPMENT; FURTHERMORE, ADDING STANDARDS FOR RESIDENTIAL PARKING STRUCTURES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 1506 of the Second Class Township Code, Act of May 1, 1993, P. L. 103, No. 69, as amended by the Act of November 9, 1995, P. L. 350, No. 60, at 53 P.S. §66506, entitled “General Powers”, section 601 of the Pennsylvania Municipalities Code, 53 P.S. § 10601, and, section 1299.12 of the Lower Gwynedd Township Zoning Ordinance, as amended (“**Zoning Ordinance**”) authorizes the Lower Gwynedd Township (“**Township**”) Board of Supervisors (“**Board**”) to enact and amend ordinances necessary for the proper management, care and control of the Township and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, the Board has determined that an amendment to the MF-3 Multifamily Residential District’s list of permitted uses to allow a mixed-use development option by conditional use, comprised of a multifamily apartment building with workforce dwelling units use, and office, retail, and restaurant uses, is warranted to further the purpose and intent of providing for mixed residential and commercial development uses within the Township (“**Proposed Amendment**”); and

WHEREAS, the Lower Gwynedd Township Planning Commission reviewed the Proposed Amendment at a public meeting and recommended that the Proposed Amendment be approved by the Board; and

WHEREAS, the Board has determined that it is in the best interests of the municipality and the public welfare to adopt the Proposed Amendment to promote the following community development objectives:

1. Achievement of the best use of land within the Township's MF-3 Multifamily Residential District by providing a mixed residential and commercial option.
2. Encouragement and promotion of workforce housing within the Township to achieve a diverse and balanced community.
3. Creation of an economic incentive to encourage developers to construct workforce housing units.
4. Encouragement and promotion of a new mixed residential and commercial use type within the Township to meet the needs of all Township residents.
5. Encouragement of ingenuity in architectural design and site planning by providing for an innovative mixed residential and commercial use concept within the MF-3 Multifamily Residential District.

WHEREAS, a public hearing was held, following notice, for the purpose of considering this Proposed Amendment to the Zoning Ordinance; and

WHEREAS, the Board, after the public hearing held pursuant to public notice, and after receipt of recommendations from the Lower Gwynedd Township Planning Commission and the Montgomery County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended by the Proposed Amendment; and

WHEREAS, the Board has determined that amending the MF-3 Multifamily Residential District to permit the mixed-use development, with appropriate regulations and development standards, is warranted to enhance development and the economic vitality of the Township within that district.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, and it is enacted and ordained as follows:

Section 1: Title Six, "Zoning", Chapter 1276 "MF-3 Multifamily Residential District, § 1276.02 "Permitted uses" is amended to read as follows:

(e) Mixed-Use Development, in accordance with §1276.09.

(1) On a property with frontage along a major roadway as classified in §1230.37(b)(1) of the Township Subdivision and Land Development Ordinance, a development consisting of a minimum of three (3) of the following uses, for single and multiple occupancy of property and buildings, shall be permitted when authorized by conditional use, in accordance with §1298.07 "Conditional uses". Existing buildings may be part of a Mixed-Use Development provided they contain a permitted use and meet all standards of §1276.09.

A. Multifamily apartment buildings with amenities, and which may include a parking structure designed in accordance with §1298.20.(b). "Parking Structures".

- B. Office building.
- C. Retail store.
- D. Personal service shop.
- E. Restaurant, excluding drive-thru service.
- F. Bank or financial institution, with drive-thru service.
- G. Medical services, such as dental care, aesthetic procedures, urgent care, and outpatient surgery center.
- H. Medical office.

(2) *Master Plan and Architecture.* For all mixed-use developments, a master plan shall be submitted as part of the required conditional use application, which adequately depicts where each of the above category of uses and parking shall occur on the property. Material changes to the Master Plan involving the relocation, addition or deletion of buildings, vehicular circulation or access shall require an amended conditional use approval from the Board of Supervisors. Review and approval of the conditional use shall include the approval of the dimensional criteria and parking as shown on the Master Plan. As part of the conditional use application, architectural renderings shall be submitted. Such renderings shall include: a perspective view of the building from the exterior main road(s) showing the façade(s) and streetscape, in addition, elevations of all sides of the proposed building(s). The renderings shall be in color and indicate the mass, form, color, and materials of the proposed building(s). The renderings shall show conceptual connections to an existing public trail network which is immediately and directly adjacent to the mixed-use development.

Section 2: Title Six, "Zoning", Chapter 1276 "MF-3 Multifamily Residential District, is amended by adding a new section 1276.09 entitled "Regulations and standards for a Mixed-Use Development", to read as follows:

§ 1276.09 Regulations and standards for a Mixed-Use Development.

The following regulations and standards shall apply to a Mixed-Use Development in the case of a conflict with any other sections of the Zoning Ordinance, the provisions of this section shall apply.

- (a) *Minimum Lot Area.* For a Mixed-Use Development, a lot area of not less than 20 acres shall be provided.
- (b) *Minimum Lot Width.* A lot width of not less than 900 feet shall be provided along a public street or way for every access to the development.
- (c) *Yards.*
 - (1) *Front Yard.* For a Mixed-Use Development there shall be a front yard,

which yard shall not be less than 50 feet in depth.

- (2) *Side Yards. For a Mixed-Use Development there shall be two side yards, neither of which shall be less than 50 feet in depth.*
 - (3) *Rear Yard. For a Mixed-Use Development there shall be a rear yard, which yard shall not be less than 100 feet in depth.*
- (d) *Building Coverage. The total building coverage shall not exceed 20%.*
- (e) *Impervious Coverage. The total impervious coverage shall not exceed 65%.*
- (f) *Building Height.*
- (1) *Multifamily Apartment Buildings. The maximum height for a multifamily apartment building shall be 65 feet, not exceeding 5 stories. For purposes of measuring the building height for multifamily apartment buildings, unoccupied architectural features extending above the main roof, such as dormers, gables and similar treatments, shall be required in order to provide variations in rooflines and the appearance of the multifamily apartment building façade, and shall be excluded from the calculation of height. Such features shall not exceed 10 feet in total height.*
 - (2) *Office Building. The maximum height for an office building shall be 50 feet, not exceeding 3 stories.*
 - (3) *The maximum height for all other buildings and structures shall be 35 feet, not exceeding 2 stories.*
- (g) *Building Spacing. The distance at the closest point between any buildings shall not be less than 75 feet.*
- (h) *Density. For a multifamily apartment building, the number of residential units per gross acre shall not exceed 15 and a minimum of 10% of the residential units shall be leased as workforce dwelling units. Not less than every ten years the Township shall review, upon the request of the property owner, the workforce housing units.*
- (1) *A Workforce Housing Declaration of Covenants shall be prepared to the satisfaction of the Township Solicitor and agreed upon by the property owner/developer, which Declaration of Covenants shall be recorded in the Montgomery County Recorder of Deeds office at the time of recording of the final land development plan. For the purposes of this clause "workforce housing" shall mean; a dwelling unit available to a household with a total income not exceeding 100% of the Household Median Income (HMI) of Montgomery County as determined on an annual basis by the Pennsylvania Housing Finance Agency (PHFA).*
 - (2) *Property owner/developer shall submit an annual report to the Township Building and Zoning Department which demonstrates that the multifamily apartment building is in compliance with workforce housing requirements*

contained in the Declaration of Covenants. The report shall include, both prior to lease up and annually, the total number of units in the building, and for the workforce housing units only the following additional information: the total number of units, number of bedrooms, tenant incomes and rents, unit locations within the multifamily apartment building, and square footage.

(3) The Lower Gwynedd Township Planning and Zoning Department and/or designee may establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this chapter.

(i) Off-street parking and loading.

(1) Multifamily Apartments. For each residential unit, 1.5 parking spaces shall be provided.

(2) Office building. One space for every 250 square feet of gross floor area, minus common areas.

(3) Retail store and/or personal service shop. One space for every 250 square feet of sales area.

(4) Restaurant. One parking space for every 100 square feet of floor space devoted to patron use.

(5) Bank or financial institution. One space for every 500 square feet of floor area space devoted to patron use.

(6) Medical services. One parking space for every 250 square feet of gross floor area.

(7) No parking, service, or loading area shall be located within 75 feet of any side or rear yard property lines or within 10 feet of any side yard property line abutting a major roadway, except as required for normal ingress or egress, and no service drives shall be located within 25 feet of any side or rear property line. No service and loading area shall directly face a highway as defined in §1298.12 unless adequate architectural detailing and/or landscaping is provided which obscures the service and/or loading areas to the satisfaction of the Township Board of Supervisors.

(8) Parking Reduction. The total number of required parking spaces may be reduced by conditional use. The total parking may be reduced by a maximum of up to 20% provided the applicant can demonstrate the reduction is warranted through the submission of a parking study, parking counts, or other pertinent information.

(j) Signage. The Mixed-Use Development shall be permitted one (1) pylon/free-standing sign not to exceed twenty (20) feet in height and two hundred (200)

square feet in area. Each tenant in the Mixed-Use Development shall be permitted one (1) wall sign not to exceed forty (40) square feet per building façade of the leased area facing a street. Digital Signs are prohibited.

- (k) *Storage of Refuse.* Raw materials, supplies, trash, rubbish and other refuse shall be stored in covered containers within an adequate enclosure and handled and disposed of in such a manner so as not to give rise to smoke, odor, or litter.
- (l) *Landscaping.* All Mixed-Use Developments shall be designed and maintained in accordance with the landscape provisions of the Subdivision Regulations.
- (m) *Emergency access.* All Mixed-Use Developments shall have an emergency driveway access in addition to and separate from the main driveway access.
- (n) *Public water and sewer.* All Mixed-Use Developments shall be served by public water and public sewer.
- (o) *With the exception of gate houses, guard houses, and trails, no accessory building or structure shall be located within a required perimeter setback and no accessory building or structure shall be located between the front of a building unit and a street line, if any.*
- (p) *All new buildings within the Mixed-Use Development shall be constructed in accordance with an overall plan and a common architectural theme as approved by the Board of Supervisors during the conditional use stage.*
- (q) *Special Conveyancing.* *When a lot or lots are developed as a Mixed-Use Development, the creation of and conveyance of a lot or lots within such Mixed-Use Development shall be permitted upon compliance with the following conditions:*
 - (1) *Irrevocable cross-easements in favor of, and duly binding on all title owners within the area of the development plan, their successors and assigns, with respect to use, control and maintenance of the common areas including access, green space, and parking areas are in effect and recorded, with form and substance subject to the prior approval of the Township Solicitor; and*
 - (2) *Individual lots or parcels created pursuant to this section need not comply with the dimensional standards of §1276.09 herein but shall remain in compliance with all other aspects of the approved Mixed-Use Development Plan.*

Section 3: Title Six, "Zoning", Chapter 1298 "General Provisions", §1298.20 "Parking structures" is amended to read as follows:

- (b) *The erection and use of structured parking facilities, otherwise prohibited, shall be permitted only in the MF-3 Multifamily Residential District, subject to the following regulations:*

- (1) *Parking structures shall be permitted for a multifamily apartment building provided the parking structure is entirely internal to the multifamily apartment building, or the residential units are wrapped around the perimeter parking structure.*
- (2) *When a parking structure is wrapped with residential units no more than 25% of the perimeter of the parking structure shall be visible from the exterior of the building. The exposed portion of the parking structure shall not directly face an external street. The exposed portion of the parking structure shall be buffered through the use of architectural elements to the satisfaction of the Board of Supervisors.*
- (3) *A parking structure shall not be taller than the residential portions of the building.*
- (4) *The design, layout and sizes of the parking spaces, driveways, ramps and other elements of the parking structure shall be subject to the review of the Township Traffic Engineer and the approval of the Township.*
- (5) *There shall be no projection of lighting or other elements above the required guardrail height on the roof deck of parking structures, except for minimal access shelters over stair enclosures.*
- (6) *Building Coverage. The total building coverage may be increased from 20% to 30% if a parking structure is included as part of the Mixed-Use Development.*

Section 4: Repeal and Ratification. All other sections, parts, and provisions of the Zoning Ordinance and Map shall remain in full force and effect as previously enacted.

Section 5: Severability. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared the intent of the Lower Gwynedd Township Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 6: Effective Date. This Ordinance shall become effective five (5) calendar days after the date of enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Gwynedd Township, Montgomery County, Pennsylvania, this ___ day of _____, 2024.

Attest:

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**

Mimi Gleason, Township Manager

By: _____
Danielle A. Duckett, Chairperson

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