

BOARD OF SUPERVISORS  
LOWER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

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

AN ORDINANCE OF THE TOWNSHIP OF LOWER GWYNEDD, MONTGOMERY COUNTY, PENNSYLVANIA TO AMEND CERTAIN PROVISIONS IN TITLE SIX OF THE CODE OF LOWER GWYNEDD TOWNSHIP, BEING THE ZONING CODE OF LOWER GWYNEDD TOWNSHIP; TO REPEAL ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND TO PROVIDE A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**WHEREAS**, the Lower Gwynedd Township ("Township") Board of Supervisors ("Board of Supervisors") desires to enact certain amendments to various provisions of its Zoning Code (the "Zoning Code"), in a manner generally summarized and fairly described as a periodic Zoning Code update (the "Proposed Amendments");

**WHEREAS**, the Second Class Township Code authorizes the Board of Supervisors to make and adopt ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management, care and control of the Township, and the maintenance of peace, good government, health and welfare of the Township and its citizens;

**WHEREAS**, the Board of Supervisors has met the procedural requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, ("MPC") for the adoption of this Ordinance, including the referral of the Proposed Amendments to the Montgomery County Planning Commission and the Township Planning Commission;

**WHEREAS**, the Board of Supervisors has held one or more duly noticed and advertised public hearings to take public comment on the Proposed Amendments, and the Township has duly advertised this Ordinance for consideration and enactment; and

**WHEREAS**, the Board of Supervisors, having received public comments, and the recommendations of the Township's Planning Commission and the County Planning Commission, find that enactment of the Proposed Amendments will be beneficial to the Township and that the Proposed Amendments are consistent with the MPC and with the laws and Constitution of the Commonwealth of Pennsylvania.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Lower Gwynedd Township, and it is hereby ordained and enacted by the authority of the same, as follows:

**SECTION 1. AMENDMENT.** Title Six of the Code, entitled "Zoning," is hereby amended as follows:

A. § 1250.04, entitled "Definitions," subpart (a), is hereby amended as follows:

(1) The current definition of "Accessory Building" in subsection (1) is deleted and is replaced with the following:

(1) *Accessory building. "Accessory building" means a building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.*

(2) The current definition of "Accessory Use" in subsection (2) is deleted and is replaced with the following:

(2) *Accessory use. "Accessory use" means a use customarily incidental and subordinate to the principal use of the land or a building or other structure on a lot or a portion thereof located on the same lot with such principal use.*

(3) The following is added to the end of the definition of "Flag Lot" in subsection (28):

*See also definition for "Yard, Front" related to setbacks for flag lots.*

(4) The current definition of "Home Occupation" in subsection (34) is deleted in its entirety and is replaced with the following:

(34) *Home Occupation-Major. "Major home occupation" means an accessory use permitted only in single-family residential districts and includes any lawful occupation or business activity which is conducted in whole or in part by a resident from his or her primary residence, limited to the professional office or studio of a physician, dentist, teacher, engineer, musician, architect, lawyer, outside salesperson or similar professional practitioner, or rooms utilized for occupations such as dressmaking, millinery or similar handicrafts, and specifically excludes any business, clinic, animal hospital, barber or beauty shop, personal service shop or tearoom. Home occupations shall be governed by the standards set forth in Section 1298.11.*

(34.1) *Home Occupation-Minor (or No Impact Home Based Business). "Minor Home Occupation" (no impact home based business) means an accessory use, other than home day care uses permitted by § 1298.11(g), clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. Minor Home Occupations/No-Impact Home Based Businesses shall be governed by the standards set forth in Section 1298.11.*

(5) The following new definitions are added to subpart (a):

*(35.1) Junk. "Junk" means any old, unused, and/or stripped automobile not in full and complete working order and without a current registration plate and any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer useable for the purpose for which it was manufactured.*

*(61.2) Sports Courts. "Sports Court" means a dedicated hard surfaced area built for playing tennis, basketball, shuffleboard, or other similar sporting activities on a residential lot. A residential driveway or paved parking area occasionally used for such activities is not considered to be a sports court. A sports court may be constructed and maintained on a residential lot in addition to permissible detached accessory structures and shall not be used for commercial purposes.*

(6) Subsection (63), entitled "Street Line or setback," is deleted in its entirety and is replaced with the following:

*(63) Street line. "Street line" means the dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road or highway legally opened, or officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots, each held in single and separate ownership, have the right-of-way. For flag lots, see "front yard setback" definition.*

(7) The definition of "Front Yard" in subsection (74)A is amended to read as follows:

*"Front yard" means a yard extending the full width of the lot along the street line and extending in depth from the street line to the nearest point of any structure on the lot. In the case of a flag lot or lane lot, the front yard setback is measured from the point where the lot first meets the minimum lot width requirements, so that any building has a setback from that front line.*

B. § 1259.02, entitled "Permitted uses," is hereby amended by adding a new subsection (d) as follows:

(d) *Accessory uses in accordance with § 1250.04 and § 1298.03.*

C. § 1257.03, entitled "Lot area and width," is hereby amended by adding the following sentence to the end of subsections (2) and (3):

*Whenever public sewer or public water supply" is available, connection to the public utility is required as a condition of this subsection.*

D. § 1257.06, entitled "Building height," is hereby amended by deleting subsection (b) in its entirety.

E. § 1258.03, entitled "Lot area, density and width," is hereby amended by adding the following sentence to the end of subsections (2) and (3):

*Whenever public sewer or public water supply" is available, connection to the public utility is required as a condition of this subsection.*

F. § 1258.06. entitled "Building height," is hereby amended by deleting subsection (b) in its entirety.

G. § 1259.02. entitled "Permitted uses," is hereby amended by adding a new subpart (d) as follows:

(d) *Accessory uses in accordance with Section 1250.04 (2) and Chapter 1298.*

H. § 1260.03, entitled "Lot area and width," is hereby amended by adding the following to the end of subsection (2):

*Whenever public sewer or public water supply" is available, connection to the public utility is required as a condition of this subsection.*

I. § 1260.06, entitled "Building height," is hereby amended by deleting subpart (b) in its entirety.

J. § 1298.03, entitled "Accessory uses and structures," is hereby amended as follows:

(1) Subsections (b)(1), (b)(2) and (b)(3) are hereby deleted and replaced with the following:

(1) *Accessory buildings shall be clearly subordinate to the principal building and separated from all other buildings and/or structures on the lot by at least 10 feet. All accessory structures shall be located entirely within the permissible building area (exclusive of all mandatory setback areas), but not to the front of the main building, or in the rear yard at least 10 feet behind the rearmost portion of the main building to utilize an accessory structure setback as follows:*

- A. *Accessory structures that are 500 square feet or less in gross floor area and no more than 15 feet in height may be located 10 feet from any side or rear property line, except that such distance shall be reduced to 5 feet in the "C" Residential District.*
- B. *Accessory structures that are greater than 500 square feet in gross floor area or greater than 15 feet in height, the required minimum setback from the side or rear property line is doubled.*
- C. *In no circumstances can an accessory structure be located in a front yard.*

(2) *Private swimming pools shall be constructed in accordance with applicable Township ordinances and shall not be located in front yards. All pools, filters, heaters or any facilities incidental thereto including pool houses/cabanas/covered pavilions shall be not less than 25 feet from all side and rear property lines, except that such distance shall be reduced to fifteen feet in "C" and "CD" Residential Districts.*

(3) *Private sports courts and all facilities incidental thereto shall be permitted by special exception as an accessory use on a single-family, detached, residential dwelling lot with a minimum lot size of one (1) acre, subject to the following conditions and requirements in addition to those set forth in § 1250.04(a) of this Code:*

- A. *Sports courts shall not be located in a front yard area and shall not be located over an easement. Sports courts shall be located no closer than 25 feet from side and rear property lines.*
- B. *All sports courts shall have drainage systems approved by the Township Engineer, specifically with respect to the discharge of water onto adjacent properties.*
- C. *Sports courts may be enclosed with a maximum fence of 6 feet in height, except that tennis courts may have such fences no more than 10 feet in height.*

*Permitted fencing shall consist of either purpose-manufactured sports court netting, or a corrosion-resistant #9 gauge woven wire mesh similar to chain link design. Fence posts shall be decay resistant.*

- D. Sports courts shall be limited to a maximum of 4,000 square feet, except that tennis courts shall be limited to a maximum of 7,200 square feet.*
- E. All sports courts shall be considered impervious coverage as defined in § 1250.04(a)(35).*
- F. All proposed lighting must be shown on a plan appended to the application for special exception. All lighting specifications and details must be submitted to the Township Engineer for review and approval prior to the issuance of a permit. The lighting design must show no spillover of light onto adjacent properties by providing a point-by-point level grid to show light levels on the ground and a plan showing where the court / light levels are in relation to the property lines. Information on the angle at which the lights will be installed to prevent glare into the sky is required. The mounting height for sports court lighting may not exceed 14 feet. Lights must be on a timer and shall be extinguished by 10:00 p.m.*
- G. An application for a special exception must include a site plan depicting the location of the proposed use, any existing uses, yard dimensions, buffer screening, landscaping, lighting and other features indicating compliance with the above requirements. The Township Engineer shall have the authority when granting a permit, to require such design changes, additions and safeguards as may be necessary or appropriate.*
- H. Any modification to an approved sports court shall require an amended special exception approval by the Zoning Hearing Board.*

K. § 1298.03, entitled "Accessory uses and structures," is hereby amended by adding subsection b(6) as follows:

(6) *Accessory residential uses shall not be deemed to include a hospital, clinic, animal hospital, barbershop, beauty parlor, massage parlor, laboratory, mortuary, kennel or animal rescue or animal adoption/fostering services, other personal service shop, tearoom, restaurant, hotel/motel, boarding home or any other similar use.*

L. § 1298.08, entitled “Exterior storage of motor vehicles and junk,” is hereby modified to read as follows:

*The exterior storage of motor vehicles is prohibited in all zoning districts unless specifically permitted and regulated in the various zoning districts of this Code. The exterior storage of junk, as defined § 1250.04(a)(35.1), is prohibited in all zoning districts.*

M. § 1298.11, entitled “Home occupations,” is deleted in its entirety and replaced with the following:

*Home occupations, as defined in Section 1250.04 and permitted under this Zoning Code, shall comply with the following regulations and standards and shall be divided into two categories as described below.*

(a) *Minor Home Occupations (no-impact home-based businesses) are permitted by right in all residential dwellings, limited to one per dwelling unit, in compliance with the following requirements:*

(1) *The occupation shall be conducted only by members of the family residing on the premises and shall be conducted entirely within the dwelling or a building accessory thereto. The business activity may not occupy more than 25% of the habitable floor area. The computation of habitable floor area shall include the first floor and unfinished basement but not garages or unfinished attics.*

(2) *The business activity shall be compatible with the residential use of the property and surrounding residential uses. The business shall employ no employees other than family members residing in the dwelling.*

(3) *There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.*

(4) *There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.*

- (5) *The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.*
- (6) *The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.*

(b) *Major home occupations. shall be governed by the following requirements:*

- (1) *The occupation shall be conducted primarily by members of the family residing on the premises and shall be conducted entirely within the dwelling or a building accessory thereto. Not more than one additional person who is not a resident in the dwelling shall be employed by the practitioner of the home occupation.*
- (2) *No article may be sold or offered for sale that is not produced by members of the immediate family residing on the premises.*
- (3) *There shall be no public display of goods on the premises.*
- (4) *Parking for any home occupation shall be provided in accordance with Chapter 1294 and shall occupy no portion of any required front, side or rear yard that is not part of a driveway.*
- (5) *The space devoted to any home occupation shall not exceed 25% of the habitable floor area.*
- (6) *Home day-care for one child is permitted in the Township without regulation. Home daycare for two to a maximum of five nonresident children, located only in a single-family detached dwelling in which the caregiver resides, shall be considered a home occupation and shall be subject to the following requirements:*
  - A. *The caregiver shall be registered or licensed by the Commonwealth to provide childcare services in the dwelling.*

- B. *There shall be no structural change to the exterior of the single-family detached dwelling to accommodate the day-care use.*
- C. *In no case shall home daycare be permitted on a lot with an area of less than 10,000 square feet.*
- D. *There shall be a minimum of 40 square feet of floor space per child, inclusive of space occupied by furniture and equipment, but exclusive of closets, halls, bathrooms, kitchens and related areas. All of such floor space shall be on the first (1<sup>st</sup>) floor of the single family detached dwelling.*
- E. *A minimum of 100 square feet of outdoor play space per child shall be available on the same lot. Such play space shall be:*
  - (i) *In the rear yard of the lot only;*
  - (ii) *Enclosed by a fence or wall; and*
  - (iii) *Not less than 30 feet from neighboring residential buildings.*
- F. *The normal hours of operation shall not be earlier than 7:00 a.m. nor later than 7:00 p.m.*
- G. *A driveway shall be required in order to allow off-street pick-up and drop off of children.*
- H. *No home day-care use shall be permitted within 750 feet of any other home day-care use.*

(c) *Requirements for all Home Occupations.*

- (1) *A resident of the dwelling must be a principal of the home occupation.*
- (2) *There shall be no direct sale of goods on the premises.*
- (3) *There shall be no business-related exterior storage or display of goods.*

- (4) *Signs for major home occupations shall be permitted in accordance with the requirements of Chapter 1292.*
- (5) *The home occupation shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area.*
- (6) *Home occupations shall not use noxious, toxic, combustible, explosive or other types of material in a manner that could endanger the health, safety and welfare of the occupants and surrounding residents.*
- (7) *Vehicular access improvements or any need for additional parking generated by the home occupation, over what would normally be expected for a residence as determined by the Board of Supervisors with the advice of the Township Engineer, shall be met off-street and only in the side yard and/or rear yard.*
- (8) *Trash shall not be permitted in excess of that normally occurring in residential areas. Outdoor storage of trash or debris shall be sealed in containers, shielded from view by neighboring properties by a dense landscape buffer or other materials noted in the definition of buffer screen.*
- (9) *All home occupations must obtain a use and occupancy permit and register their business with the Township before commencing business.*
- (10) *The following uses and similar uses are not a permitted home occupation: hospital, clinic, animal hospital, barbershop, beauty parlor, massages parlor, laboratory, mortuary, kennel or animal rescue or animal adoption/fostering services, other personal service shop, tearoom, restaurant, hotel/motel, boarding home or any other similar use.*

N. § 1298.15, entitled "Limitations on accessory uses" is hereby amended by replacing subpart (a) to read as follows:

- (a) *The keeping or storage of a utility trailer more than eight feet in length or a travel trailer, recreational vehicle or boat more than 22 feet in length, unless the vehicle is parked or stored at all times in a fully enclosed garage. Permitted trailers, recreational vehicles, and boats Shall be kept or stored in the following manner:*

- (1) *Parking is permitted inside an enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.*
- (2) *Parking is permitted outside in the side or rear yard, provided it is not nearer than 10 feet to the lot line and is adequately screened from neighboring properties.*
- (3) *By special exception, the Zoning Hearing Board may authorize the parking of a trailer, recreational vehicle, or boat outside on a driveway provided that space is not available in the rear or side yard or there is no reasonable access to either the side or rear yard, and parking inside is not possible. Under no circumstances shall the unit extend over the public sidewalk or public right-of-way. Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be used for dwelling purposes, permanently connected to sewer lines, water lines, or electricity, storage of goods, materials or equipment.*
- (4) *The keeping or storage of any truck more than 18 feet in length or 80 inches in width or more than 8,200 pounds' gross weight or gross vehicle weight rating, as those terms are defined in the Motor Vehicle Code of the Commonwealth of Pennsylvania, or any vehicle equipped with any exterior equipment, such as hoists, ladders or towing mechanisms, unless the vehicle is parked or stored at all times in a fully enclosed garage. Said vehicles shall be limited to one per property and shall be used for the transportation of the occupant of the property to and from his or her place of business. All other commercial vehicles as mentioned above are prohibited.*

O. § 1298.15, entitled "Limitations on accessory uses" is hereby amended by adding a new subpart (d) to read as follows:

- (d) *The storage of building supplies or trash, or any other storage which is determined to be a nuisance or a health, safety or fire hazard or which detracts in any way from the character of surrounding properties or neighborhood.*

P. § 1298.16, entitled "Height of accessory structures," is hereby amended to read as follows:

*The maximum height for any building accessory to any dwelling shall be 15 feet, not exceeding one story except for what would be considered loft space for storage. The maximum height of accessory structures as regulated in the various residential districts in this title may be increased one foot zero inches in height for each two feet zero inches in horizontal distance that is added to the minimum required setback from the side or rear property line, with the height being measured from the ground to the highest point of the structure at all given points along the path of travel from the setback line toward the interior of the lot, to a maximum height of 25 feet.*

Q. § 1298.18, entitled "Home generator regulations," is amended by adding a new subsection (c) as follows:

(c) *On a property that is a corner lot, a generator may be placed on the side of the home, even though that yard is technically a front yard, when a landscaped buffer or other screening apparatus is provided so that the generator is not visible from the road frontage. The proposed buffer must be to the satisfaction of the Township Zoning Officer and approved as part of the required permit.*

**SECTION 2. ENACTMENT.** Upon enactment, the Zoning Code as amended hereby, shall hereafter constitute the official, operative text of the amended Zoning Code, with the Zoning Code as amended hereby superseding and replacing all prior Ordinances or parts thereof.

**SECTION 3. REPEALER.** All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION 4. SEVERABILITY.** That the provisions of this Ordinance are severable and if any of its provisions or any part of any provision or individual amendment enacted hereby shall be held to be unconstitutional or otherwise invalid, the decision of the court so holding, shall not affect or impair any of the remaining provisions or amendments. It is hereby declared to be the intent of Lower Gwynedd Township that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective five (5) days after its adoption.

***SIGNATURES COMMENCE ON THE FOLLOWING PAGE***

**ENACTED AND ORDAINED** by the Lower Gwynedd Township Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

*LOWER GWYNEDD TOWNSHIP  
BOARD OF SUPERVISORS*

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MIMI GLEASON, TOWNSHIP MANAGER

By: \_\_\_\_\_  
DANIELLE A. DUCKETT, CHAIRPERSON