

**BOARD OF SUPERVISORS
LOWER GWYNEDD TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

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; AND, BY ADDING STANDARDS FOR RESIDENTIAL PARKING STRUCTURES TO §1298.20 “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 Planning 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, an amendment to the Zoning Ordinance is proposed to permit mixed use development as a conditional use in the Township’s MF-3 Multi-Family Residential District (“**Proposed Amendment**”); and

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

WHEREAS, the Board, 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 and an optional density bonus for workforce housing, 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 1250 “Definitions, § 1250.04 Definitions is amended to include the following:

(55.01) Personal Care/Service. *Personal Care/Service: A commercial use that provides services directly to individuals related to personal grooming, hygiene, appearance, comfort, or convenience. Such establishments primarily offer services performed on-site for clients rather than the sale of goods, and involve minimal equipment, storage, or external impacts. Examples include, but are not limited to, barber shops, hair salons, nail salons, spas, and massage therapy establishments.*

Section 2: Title Six, “Zoning”, Chapter 1276 “MF-3 Multifamily Residential District, § 1276.02 “Permitted uses” is amended to read as follows:

(e) Mixed-Use Development, Where a parcel is developed as a mixed-use development under the provisions of this chapter, such development shall comply exclusively with the standards set forth in §1276.09. A Mixed-Use Development shall not incorporate or combine uses otherwise permitted in this chapter, except for those uses expressly permitted within the mixed-use provisions identified herein and 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”, and the conditional use standards below in this section, and the requirements in §1276.09.

- A. Multifamily apartment building 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 care/service.*
- E. Restaurant, excluding drive-thru service.*
- F. Bank or financial institution, excluding drive-thru service.*
- G. Medical services, such as dental care, aesthetic procedures, outpatient urgent care and surgery centers, and medical offices.*

H. *Accessory use or accessory building or structure that is subordinate to the uses set forth in subsection (a) to (g) hereof.*

(2) *Master Plan, Architecture, and Transportation Impact Study. For all Mixed-Use Developments, the conditional use application shall include the following submissions and meet the standards in this section and § 1276.09:*

A. *A Master Plan, which adequately depicts where all of the proposed buildings and structures, uses, amenities, and parking shall occur on the property consistent with tentative sketch plan requirements, pursuant to §1230.13 of Chapter 1230, Subdivision and Land Development.*

i. *The Master Plan design shall be fully integrated to depict how existing and proposed buildings and parking will fit into the site and is compatible with adjacent properties, how buildings and amenities connect throughout the site, and all elements of the Master Plan, including, but not limited to, building size, shape, materials, fenestration, sign size, streetscape, landscaping, lighting, hardscape and colors, shall be established for the entire project.*

ii. *The Master Plan shall show the location and dimensions of amenities that provide for open space and/or a place to gather, exercise, or enjoy the outdoors, such as green space; gathering areas; common areas; recreation areas; treatment of historic structures, if any; enhancement of natural features; and a pedestrian network.*

iii. *Review and approval of the Master Plan shall include the approval of the dimensional criteria and parking as shown on the Master Plan.*

iv. *Material changes to the Master Plan involving the relocation, addition, expansion, or deletion of buildings, vehicular circulation or access shall require an amended conditional use approval from the Board of Supervisors.*

B. *Architectural renderings, which shall depict: a perspective view of the buildings, including the parking garage, from the exterior main road(s) and neighboring properties showing the façade(s) and streetscape; and 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).*

i. *The renderings shall show connections to an existing public trail network which is immediately and directly adjacent to the mixed-use development that will be built as part of the mixed-use development.*

ii. *Architecture shall reflect a coordinated design among proposed buildings and an integration among existing and proposed buildings in the Master Plan.*

C. *A Transportation Impact Study, consistent with Section 1230.40(a) of the Subdivision and Land Development Ordinance, the scope and contents of which shall comply with PennDOT Publication 282: Highway Occupancy Permit Operations Manual, Appendix A: Policies and Procedures for Transportation Impact Studies and Assessments, or the most current PennDOT Transportation Impact Study Guidelines.*

(1) *Prior to the submission of a Transportation Impact Study or at the request of the Township Traffic Engineer, the proposed scope shall be submitted to the Township and to PennDOT for review and approval.*

(2) *The Transportation Impact Study must identify all Level of Service and vehicle queuing impacts of site-generated traffic at the site access and study intersections that require mitigation according to PennDOT Publication 282: Highway Occupancy Permit Operations Manual, Appendix A: Policies and Procedures for Transportation Impact Studies and Assessments, or the most current PennDOT Policies and Procedures. The study must identify improvements to mitigate the impacts of the site-generated traffic according to the PennDOT policies and procedures.*

(3) *If transportation improvements identified in the Transportation Impact Study to mitigate certain development traffic impacts are not implementable due to reasons such as physical infeasibility, inability to acquire required right-of-way, or PennDOT denial of the recommended improvements, the applicant shall propose alternative transportation improvements that will improve traffic flows and multimodal access for the site access or within the study area for the Transportation Impact Study.*

(4) *The Board of Supervisors may require the Transportation Impact Study be revised during the land development application process if the proposed development size and/or type are modified, the opening year and design horizon year of the development is significantly delayed, the scope of the proposed mitigating improvements are modified, or if it is determined that the mitigating improvements are not implementable as indicated in the Transportation Impact Study.*

D. *Landscaping plan, depicting how vegetation will contribute to an attractive streetscape along street frontages, buffer adjacent properties, complement site and building aesthetics, and enhance amenity spaces.*

(3) *Post-Development Traffic Study Required. When requested by the Township, a Post-Development Traffic Impact Study (Post-Development TIS) must be*

undertaken, not later than six (6) months after the retail and apartment buildings reach an aggregate occupancy rate of seventy-five percent (75%), in order to address traffic impacts that may arise from the development. Accordingly, the applicant, at the applicant's sole cost and expense, shall submit a Post-Development TIS to the Township and PennDOT, prepared by a suitably qualified traffic engineer, addressing the following requirements:

- A. A post-development traffic count survey is required in order to make a comparison between "pre-developed" and "post-developed" traffic conditions in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Manual or other acceptable traffic engineering standards. The proposed methodology for the trip generation counts shall be approved by the Township Traffic Engineer.*
- B. The study shall examine the level of peak hour trips and levels of service and vehicle queuing from the site access driveways and the closest signalized intersection in each direction.*
- C. If the ultimate site trip generation resulting from the post-development trip generation counts exceeds by ten percent (10%) or more, the estimates in the approved Transportation Impact Study from the land development approval (TIS), the applicant will be required to complete revised traffic analysis for the site access and the immediately adjacent signalized intersections from the site access in each direction, for review by the Township. The Township Traffic Engineer will determine the required scope of the revised traffic analysis and report to be submitted to the Township for review.*
- D. If the revised traffic analysis results indicate there are additional level of service and/or vehicle queuing impacts meeting the requirements for mitigation for the site access, the Board of Supervisors may require additional transportation improvements for the site access. The post development traffic analysis shall identify any additional improvements needed to mitigate site generated traffic at the immediately adjacent signalized intersections. Upon completion of the study, the study will be submitted to the Township and PennDot for review.*
 - (1) Within ninety (90) days from the approval of the scope of improvements by the Township and Penndot, prepare plans of the recommended traffic improvements, submit the same to PennDOT and the Township, and diligently seek permits for construction of the additional improvements.*
 - (2) The additional improvements shall be completely installed within one hundred eighty (180) days of the issuance of the permits.*
 - (3) The Township shall have the right to withhold the release of any financial security guaranteeing completion or maintenance of improvements, until the improvements have been completed to the satisfaction of the Township's Traffic Engineer.*
 - (4) All costs associated with the investigation (including both pre and post-development studies), preparation of plans/ documentation and civil works must be borne by the applicant.*

- (5) *In the event that a permit for the additional traffic improvements is not approved, the Township may impose an additional traffic impact fee based upon the number of additional new peak hour trips generated.*

Section 3: 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 800 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*
 - A. *For multifamily apartment buildings and office buildings there shall be a front yard, which shall not be less than 200 feet in depth.*
 - B. *For all other permitted uses there shall be a front yard which shall not be less than 100 feet in depth except when the front yard is adjacent to Route 309 the front yard setback shall be 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 75 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 60%.*
- (f) *Building Height.*
 - (1) *Multifamily Apartment Building. The maximum height for a multifamily apartment building shall be 55 feet, not exceeding 4 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) *Maximum Building Floor Area for Individual Retail Use. No single commercial use, whether a stand-alone use or in a building containing multiple uses, shall consist of an area greater than 30,000 square feet of gross floor area.*
- (i) *Density. For a multifamily apartment building, the number of residential units per gross acre shall not exceed 9.5 units.*
 - (1) *Bonus Density: Provided that a minimum of 10% of the residential units are designated as workforce housing, the density may be increased by 1.5 dwelling units per gross acre. The maximum density, including bonus, shall not exceed 11 dwelling units per gross acre.*
 - (2) *If applicable, 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). The monthly rent amount shall be no more than 30% of the Household Median Income. Workforce housing units are only available to individuals who are working at least 40 hours per week in one or more jobs.*
 - (3) *If workforce housing is utilized, the Township Zoning Officer shall enforce the applicable requirements of this section. The 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, 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.*
- (j) *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 personal service shop. One space for every 250 square feet of gross floor area.*
- (4) *Restaurant. One parking space for every 100 square feet of gross floor area.*
- (5) *Bank or financial institution. One space for every 500 square feet of gross floor area.*
- (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.*
- (9) *Whenever there is a change in the lawful use of the property and whenever the change creates a need for an increase in the number of off-street parking spaces, additional parking facilities shall be provided prior to the issuance of an occupancy permit.*
- (k) *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.*
- (l) *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.*
- (m) *Outdoor Land Use. There shall be no outdoor storage of goods or materials. However, tenants may create decorative displays of goods or utilize sandwich boards to advertise daily specials provided that such displays do not obstruct pedestrian access and do not utilize more than 6 feet of the required 10-foot sidewalk area required for such. Such displays must be contained within the additional sidewalk area adjacent to the building.*

- (n) *Landscaping. All Mixed-Use Developments shall be designed and maintained in accordance with the landscape provisions of the Subdivision Regulations the final details of which shall be determined during the land development application process.*
- (o) *Site Lighting. Exterior lighting provided in conjunction with any 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 beyond the property lines of the Mixed-Use Development. A lighting plan shall be provided for review, and all lighting shall be in accordance with current IES recommendations for light levels and minimum and maximum ratios. The lighting plan shall show that no light spillover will occur onto adjacent properties. LED lighting shall be 3000K temperature. Only color-corrected types of illumination shall be used. The hours of illumination of such lights (except security lighting) shall be limited to the 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. Exterior lighting, when set back a minimum of 300 feet from an adjacent residential property and a minimum of 200 feet from an adjacent nonresidential property, may exceed the fourteen-foot limitation stated in this subsection, but shall not be placed higher than 25 feet above grade.*
- (p) *Any outdoor space intended for the use and enjoyment of the residents or restaurant patrons and the general public shall be incorporated into 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 p.m. nightly.*
- (q) *Emergency access. All Mixed-Use Developments shall have an emergency driveway access in addition to and separate from the main driveway access.*
- (r) *Public water and sewer. All Mixed-Use Developments shall be served by public water and public sewer.*
- (s) *No new accessory building or structure shall be located within a required perimeter setback and no new accessory building or structure shall be located between the front of a building unit and a street line, if any.*
- (t) *Special conveyancing. When a parcel or parcels are developed as a mixed-use development pursuant to this §255-61.1, then the creation of and conveyance of a lot or parcel(s) 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 mixed-use development, 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. All easements shall be submitted to the Township Solicitor for review prior to recording of same.*
 - 2) *The application of zoning regulations including, but not limited to, building coverage, impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations,*

shall apply to the overall approved mixed-use development and the individual lots or parcels created pursuant to this section need not comply with such zoning requirements.

Section 4: 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, , shall be permitted in the MF-3 Multifamily Residential District Mixed-Use Development 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 face only the internal portion of the Mixed-Use Development and Route 309. The exposed portion of the parking structure shall be buffered through the use of architectural elements to the satisfaction of the Board of Supervisors during the land development process.*
 - (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 during the land development process.*
 - (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 a Mixed-Use Development in the MF-3 District in accordance with Chapter 1276.*

Section 5: 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 6: 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 7: 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 _____, 2026.

Attest:

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**

Mimi Gleason, Township Manager

By: _____
Danielle A. Duckett, Chairperson