

**LOWER GWYNEDD TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 513**

**AN ORDINANCE OF LOWER GWYNEDD TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CERTAIN PROVISIONS OF THE CODE OF LOWER GWYNEDD TOWNSHIP; SPECIFICALLY APPROVING CERTAIN AMENDMENTS TO THE LOWER GWYNEDD TOWNSHIP ZONING ORDINANCE; AMENDING SECTION 1250 TO PROVIDE FOR A NEW DEFINITION FOR FLAG LOTS; AMENDING CHAPTER 1298 TO PROVIDE FOR CERTAIN NEW DIMENSIONAL AND OTHER REQUIREMENTS RELATED TO FLAG LOTS; PROVIDING FOR CERTAIN AMENDMENTS CONCERNING PROJECTIONS INTO REQUIRED YARDS; REPEALING AND REPLACING CERTAIN REGULATIONS GOVERNING THE PLACEMENT OF HOME GENERATORS WITHIN REQUIRED YARDS; REPEALING CERTAIN PROVISIONS RELATED TO DETENTION BASINS THROUGHOUT THE CURRENT ZONING CODE; REPEALING ANY OTHER INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lower Gwynedd Township previously adopted certain zoning regulations as set forth in the Lower Gwynedd Township Zoning Ordinance, codified as Title Six of the Code of Lower Gwynedd Township; and

**WHEREAS**, the Township has determined that certain amendments are necessary to revise and update certain provisions of the Zoning Ordinance; and

**WHEREAS**, the Board of Supervisors is invested with the authority from time to time to approve certain amendments and updates to the Zoning Ordinance under the Municipalities Planning Code, 53 P.S. § 10609; and

**WHEREAS**, the Board of Supervisors has determined that certain amendments to the Code are necessary to address required updates to certain regulations related to flag lots, projections into required yards, home generator installation, and to remove certain incorrect internal references relating to detention basins throughout the current codified Zoning Ordinance; and

**WHEREAS**, the Board of Supervisors desire to enact certain amendments to the Lower Gwynedd Township Zoning Ordinance to effect the changes detailed in this Ordinance;

**NOW THEREFORE**, it is hereby ORDAINED and ENACTED by the Board of Supervisors of Lower Gwynedd Township as follows:

## SECTION I.

Chapter 1250, Section 1250.04 of the Lower Gwynedd Township Code is hereby AMENDED to include the following new provision:

### § 1250.04. Definitions.

**Flag Lot.** A lot of particular shape such that it possesses less frontage along a public street than otherwise required by this chapter, and where access to the widest portion of said lot is by way of an access strip which forms a portion of the lot and abuts a public street.

## SECTION II.

Chapter 1298 of the Lower Gwynedd Township Code is hereby AMENDED to include the following new provision:

### §1298.21. Flag Lots.

No flag lot shall be hereafter created, except for single-family detached dwelling use, and pursuant to the following conditions:

- (a) The parcel of land being developed is of such a shape, size and configuration that the use of a flag lot(s) is a reasonable method of developing and providing access to the site.
- (b) The number of flag lots permitted is based on the number of lots ultimately approved and/or developed on a parcel as follows:
  - (1) For subdivisions of up to three lots, one flag lot is permitted.
  - (2) For subdivisions of four to fifteen lots, two flag lots are permitted.
  - (3) For subdivisions of sixteen or more lots, three flag lots are permitted.

The number of allowable flag lots shall be based on the configuration of the overall property/parcel as of the effective date of this section. Where development is staged or approved pursuant to subdivision applications submitted at different times, the total number of permissible flag lots is to be based on the total number of subdivided lots ultimately approved for the entire parcel as it was originally configured.

- (c) No more than two flag lot access strips may be located adjacent to each other.

- (d) The access strip serving any flag lot shall have a minimum width of 25 feet and shall not exceed 300 feet in length, as measured from the street right-of-way to the point where the lot achieves the minimum required lot width. No portion of the access strip shall be counted as a part of the required lot area.
- (e) A driveway serving a flag lot shall have a minimum stabilized width of 20 feet and a paved width of 16 feet for its entire length, shall be unobstructed for a height of 14 feet, shall not exceed a 10% grade, shall be paved, and shall be capable of supporting a vehicle with a gross vehicle weight of 80,000 pounds.
- (f) The front yard of any flag lot must include buffer plantings along the full width of the lot.
- (g) The required lot area and front yard dimension of flag lots shall be 150% of the minimum otherwise specified for the zoning district in which the lot is located.

### **SECTION III.**

Chapter 1298, Section 1298.05(c) of the Lower Gwynedd Township Code is hereby REPEALED and REPLACED with the following new provision:

#### **§1298.05(c) Projections into required yards.**

In the case of a single family detached residence, unroofed open terraces and patios may project into a required side yard not more than 10 feet, and into a rear yard not more than 20 feet, but in no case may the projection exceed 50% of the required yard.

### **SECTION IV.**

Chapter 1298, Section 1298.18 of the Lower Gwynedd Township Code is hereby REPEALED and REPLACED with the following new provision:

#### **§1298.18 Home generator regulations.**

The placement of emergency home generators for single family residential use shall be regulated by the following:

- (a) Generators shall not be located within a front yard.
- (b) Generators shall be located a minimum of fifteen (15) feet from side and Rear property lines, except that this setback shall be reduced to ten (10) feet in "C" and "CD" districts.

**SECTION V. Repeal.**

Any and all other ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

In addition, the following provisions of the Lower Gwynedd Township Code, relating to Detention Basins, are REPEALED in their entirety, without replacement: § 1260.08(c); § 1262.08(c); § 1268.08(i); § 1269.08(i); § 1270.08(g); § 1272.08(g); § 1276.08(h); § 1278.08(h); § 1279.08(h); § 1280.09(i); § 1282.09(i); § 1284.09(i); § 1286.08(h); § 1287.08(i); § 1288.08(i); and § 1289.09(i).

**SECTION VI. Savings Clause.**

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the Agreement or its validity.

**SECTION VII. Effective Date.**

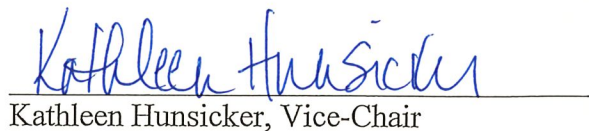
This Ordinance shall be effective five (5) days following its legal enactment.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Gwynedd Township this 22nd day of August, 2017.

LOWER GWYNEDD TOWNSHIP  
BOARD OF SUPERVISORS:

Attest:

  
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Craig McAnally, Secretary

  
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Kathleen Hunsicker, Vice-Chair