



## Upper Gwynedd Township

1 Parkside Place  
North Wales, PA 19454

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### BOARD OF COMMISSIONERS ACTION ITEM REQUEST

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**Date:** January 30, 2024

**To:** Sandra Brookley Zadell, Township Manager

**From:** Megan Weaver, Assistant Township Manager

**Re:** Authorization to Advertise Ordinance 01-2024, Amending Chapter 195  
"Zoning" definitions

**Meeting Date:** February 5, 2024 & February 12, 2024

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**Background:**

The Township is looking to amend Ordinance 01-2024, Amending Chapter 195 "Zoning" to provide a modern definition for "convenience store" and to recognize that the sale of gasoline shall require a special exception by the Zoning Hearing Board and district regulations shall apply to a convenience store. The attached ordinance amendment has been reviewed and recommended for approval by the Township Planning Commission at their December 13, 2023 public meeting. The Montgomery County Planning commission has also reviewed the draft ordinance in which their comments are attached to this memo.

It is recommended that the Board of Commissioners authorize advertisement of the Ordinance so that a hearing can be held at the March 12, 2024 Board of Commissioners business meeting.

**Budget Impact:**

There is no spending impact to the budget.

**Interdepartmental Action:**

There is no interdepartmental action required.

**Recommended Motion/Resolution/Ordinance:**

Motion to authorize the advertisement of Ordinance 01-2024, Amending Chapter 195 "Zoning" at Section 3 – "Word usage; definitions," and Chapter 195 – "Zoning," at Section 22 – "C – Commercial District," and at Section 28 – "Parking Facilities."

**UPPER GWYNEDD TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2024-1**

**AN ORDINANCE AMENDING THE CODE OF UPPER GWYNEDD TOWNSHIP  
AT CHAPTER 195 – “ZONING,” AT SECTION 3 – “WORD USAGE;  
DEFINITIONS” AND CHAPTER 195 – “ZONING,” AT SECTION 22 – “C –  
COMMERCIAL DISTRICT” AND CHAPTER 195 – “ZONING,” AT SECTION  
28 – “PARKING FACILITIES”**

**WHEREAS**, the Township of Upper Gwynedd is a duly organized Township of the first class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to Section 56502 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56502, the Board of Commissioners is empowered to adopt resolutions and ordinances prescribing the manner in which powers of the Township shall be carried out; and

**WHEREAS**, the Board of Commissioners has determined that Chapter 195 – “Zoning,” should be amended at Section 3 – “Word usage; definitions,” and Chapter 195 – “Zoning,” should be amended at Section 22 – “C – Commercial District,” and Chapter 195 – “Zoning,” at Section 28 – “Parking Facilities,” in the best interests of the maintenance of peace, good government, health and welfare of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED THAT:**

**Section 1.** The Upper Gwynedd Township Code of Ordinances is hereby amended at Chapter 195 – “Zoning,” at Section 3 – “Word usage; definitions,” and Chapter 195 – “Zoning,” at Section 22 – “C – Commercial District,” which shall read as set forth in Exhibit “A” hereto, with the underlined text indicated the revised portions of the code, and the struck through language indicating the deleted portions of the code.

**Section 2.** **Severability.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**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.** **Effective Date.** This Ordinance shall become effective five (5) days after its enactment.

**ORDAINED** and **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

**BOARD OF COMMISSIONERS  
UPPER GWYNEDD TOWNSHIP**

**BY:** \_\_\_\_\_  
Sandra Brookley-Zadell,  
*Township Manager*

**BY:** \_\_\_\_\_  
Katherine D. Carter,  
*President, Board of Commissioners*

# Exhibit “A”

**Chapter 195 – Zoning**  
**Section 3 – Word usage; definitions**

CONVENIENCE STORE (also known as “MINI-MARKET”)

A retail establishment with less than 7,500 square feet of total floor area offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches or other freshly prepared food for off-site consumption and may include an ATM banking machine. The sale of motor fuel shall be permitted in conjunction with a convenience store operation, but shall not include automotive service or vehicle repair.

**Chapter 195 – Zoning**  
**Section 22 – Commercial District**

- A. Use regulations. A building may be erected, altered or used and a lot or premises may be used for any one of the following purposes and no other:
- (1) Retail sale of dry goods, variety and general merchandise, clothing, food, including restaurant without drive-through, flowers, beverages, drugs, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods or musical, professional or scientific instruments, job printing, bakery, tutorial services, personal service business (including but not limited to hair salon, nail salon, massage or facial or skin treatments), appliance store, retail sale of pets and/or pet products and services, hardware store, cabinet showroom and sales, dry cleaning, bank or financial institutional (without a drive-through), medical or dental offices (including but not limited to emergency or urgent care or surgery centers), physical therapy facilities and any other use of the same general character as those specifically enumerated in this subsection; however, not including the sale of gasoline or other motor fuel.
  - (2) Barbershops, hairdressing establishments and such other shops in the personal service category.
  - (3) Business or professional offices or studios.
  - (4) Club, fraternal organization or lodge.
  - (5) Convenience Store. The sale of gasoline or other motor fuel shall be permitted when authorized as a Special Exception.
  - (6) (Reserved)
  - (7) Accessory use on the same lot with and customarily incidental to the use permitted and utilized, subject to § 195-22.A.(8) & (9).
  - (8) The following uses, whether operated as a principal or accessory use, when authorized as a special exception:
    - (a) (Reserved).
    - (b) A laundromat or dry-cleaning establishment, provided that no flammable fluids are used.

- (c) ~~Gasoline~~ The sale of gasoline, gasoline service station, storage or public garage or automobile repair shop.
- (d) New or used car sales.
- (e) Undertaking establishment.
- (f) Educational, religious or philanthropic use.
- (g) Financial institution.
- (h) A combined commercial and single-family residential use in one structure, provided that the commercial use shall be of the type permitted in § 195-22A.
- (i) A car-wash facility, provided that:
  - [1] A minimum lot size of one acre is provided.
  - [2] Each car-wash bay shall have a minimum of 120 feet available for cars to approach, said area to be surfaced with cement or bituminous concrete.
  - [3] A parking area shall be provided to the extent of four spaces per washing bay, said area to be surfaced with cement or bituminous concrete.
  - [4] No accessory buildings shall be permitted.
  - [5] Applicant submits to the Zoning Hearing Board a statement from the appropriate sewer authority authorizing connection of the premises to its sewer and indicating that it will receive the type of effluent to be generated upon the premises. All bays shall be connected to the sanitary sewers.
  - [6] All roof, parking and traveling lane areas shall be provided with drainage facilities to collect, transport and deliver, via underground conduits, storm or surface waters to the nearest storm sewers or stream.
  - [7] All car-washing equipment shall be contained within a completely enclosed building.
  - [8] A grade of not more than 3% is established from street level to the bays.
  - [9] No other subordinate or accessory use of any kind shall be permitted in conjunction therewith, including, but not by way of limitation, a repair or body shop, sales or installation of automatic parts or equipment or sales or rentals of automobiles, trucks or trailers and vending machines other than those directly relating to car-washing functions.

- [10] The Township Engineer shall have reviewed and approved the plans showing the ingress and egress patterns to be established for the use.
  - [11] No overnight parking permitted.
  - [12] The total overall noise level of the facility shall not exceed 65 decibels in the band from zero to 20,000 cycles at any boundary or beyond.
- (j) Post office.
  - (k) The dispensing of medical marijuana by a dispensary as defined and limited by and under the terms of the Medical Marijuana Act, Act of April 17, 2016, P.L. 84, No. 16.
- (9) The following uses, whether operated as a principal or accessory use unless specifically stated otherwise below, when authorized as a conditional use and subject to the express criteria in connection therewith and the conditional use standards contained in § 195-27.1 of this chapter:
- (a) Multiple principal uses on a single lot, provided that:
    - [1] The lot is comprised of sufficient area for the internal parking and circulation of employees, contractors, suppliers, patrons, guests and customers.
    - [2] The lot is comprised of sufficient area for the operation of the requested principal uses.
    - [3] The multiple principal uses are compatible, and will not conflict.
    - [4] Multiple principal uses are not permitted to include a residential use.
    - [5] The total required parking on the lot shall be the sum of each use's individual parking requirements, in accordance with § 195-28, except that the parking requirements for C Commercial lots developed with five or more establishments shall comply with § 195-28A(11).
  - (b) A full-service, full-amenity hotel, restaurant with drive-through, bank or financial institution with drive-through, day care for children or seniors, or tavern.
  - (c) Greenhouse or nursery sales yard.
  - (d) Wholesaling, storage and sale of lumber, plumbing and other building materials and supplies.

**Chapter 195 – Zoning**  
**Section 28 – Parking facilities**

- A. For any of the following uses, the stated parking spaces shall be required, shall be of concrete or blacktop surface, and shall be located on the same lot therewith or, if approved by the Board of Commissioners, on land adjacent thereto.
- (25) Convenience Store: 1 parking space for every 100 sq. ft. of the first 3,000 sq. ft. of gross floor area. Thence 1 parking space for every 150 sq. ft. of additional gross floor area. Required parking shall not include those spaces assigned to fueling positions. The width of the aisle way surrounding the Convenience Store building shall be not less than 28 ft. in width.