


TOWNSHIP OF LOWER PROVIDENCE

ORDINANCE NO. 677

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 143 – “ZONING,” ARTICLE XX – “NON-CONFORMING USES,” SECTION 145 – “LAND,” SUBSECTION 3

CERTIFICATION

I, E.J. MENTRY, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 677.



E.J. Mentry, Township Manager
April 5, 2023

ENACTED: 4/5/23

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WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township is duly empowered by the Second Class Township Code, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of LOWER PROVIDENCE Township;

WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township has adopted an ordinance, known as the Zoning Ordinance of the Township of LOWER PROVIDENCE, as amended, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of LOWER PROVIDENCE Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Zoning Ordinance of the Township of LOWER PROVIDENCE, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township have determined that the public health, safety and welfare of the residents of LOWER PROVIDENCE Township would be best served by amending Chapter 143 – “Zoning,” at Article XX – “Non-Conforming Uses,” to modify the title of Article XX, and to amend such Article at Section 145 – “Land,” Subsection 3.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the LOWER PROVIDENCE Township Board of Supervisors that the Township’s Code is amended as follows:

SECTION 1. Chapter 143 – “Zoning,” is amended at Article XX – “Nonconforming Uses,” to amend the title of Article XX to the following: “Nonconforming Uses, Structures and Lots.”

Article XX is further amended at Section 145 – “Land,” Subsection 3, to read as follows, with the stricken text indicating the removed portions of the code and the underlined text indicating the added portions of the code:

“As of or subsequent to January 19, 2020 (the date of adoption of this provision), where two or more adjacent lots, one or more of which is nonconforming based on lot size, are concurrently owned by the same owner, these adjacent lots shall be merged to minimize the nonconformity. The term “same owner” as used in this subsection includes, in addition to a single person or entity, multiple persons with familial relationships and multiple parties with common ownership, business, and/or financial interests. There shall be a rebuttable presumption that corporations, partnerships, or other for-profit or nonprofit entities which are organized, owned or controlled by one or more of the same individuals, entities or organizations, that such corporation, partnership or other for-profit or nonprofit entity is or was organized or used for the purpose of avoiding of having adjacent lots being considered to be owned by the “same owner.” Such lots therefore are not recognized as separate owners for the purposes of this subsection. This presumption may be rebutted with credible evidence that the corporation, partnership, or other for-profit or nonprofit entity was not created for the exclusive or primary purpose of avoiding compliance with this Section.”

SECTION 2. Repeal and Ratification.

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. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this 5th day of April 2023, by the Board of Supervisors of the Township of LOWER PROVIDENCE.

**TOWNSHIP OF LOWER
PROVIDENCE,
BOARD OF SUPERVISORS**

A handwritten signature in blue ink, appearing to read 'Cara Coless', is written over a horizontal line.

Cara Coless, Chair

Attested by:

A handwritten signature in blue ink, appearing to read 'E.J. Mentry', is written over a horizontal line.

E.J. Mentry
Township Manager & Secretary