

TOWNSHIP OF LOWER PROVIDENCE

ORDINANCE NO. 678

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 143 – “ZONING,” ARTICLE XVIII – “INDUSTRIAL DISTRICTS”, SECTIONS 135 – “PURPOSE OF IP DISTRICT AND ESTABLISHMENT OF SECTORS,” 136 – “USE REGULATIONS FOR IP DISTRICT,” AND 137 – “AREA AND BULK REGULATIONS FOR IP DISTRICT”

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. 678.



E.J. Mentry, Township Manager

August 17, 2023

ENACTED: 8/17/23

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 143 – “ZONING,” ARTICLE XVIII – “INDUSTRIAL DISTRICTS”, SECTIONS 135 – “PURPOSE OF IP DISTRICT AND ESTABLISHMENT OF SECTORS,” 136 – “USE REGULATIONS FOR IP DISTRICT,” AND 137 – “AREA AND BULK REGULATIONS FOR IP DISTRICT”

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 XVIII – “Industrial Districts” shall be amended at Sections 135 – “Purpose of IP District and Establishment of Sectors,” 136 – “Use Regulations for IP District,” and 137 – “Area and Bulk Regulations for IP District.”

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 XVIII – “Industrial Districts,” at Section 135 – “Purpose of IP District and Establishment of Sectors,” as set forth in Exhibit “A” hereto, with the stricken text indicating the removed portions of the code and the underlined text indicating the added portions of the code:

SECTION 2. Chapter 143 – “Zoning,” is amended at Article XVIII – “Industrial Districts,” at Sections 136 – “Use Regulations for IP District,” and 137 – “Area and Bulk Regulations for IP District,” such that all designations of “Mixed-Use Overlay Sector” are amended to read “Mixed-Use Sector.”

SECTION 3. 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 4. 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 5. Effective Date.

This Ordinance shall become effective 5 days after enactment.


ORDAINED AND ENACTED this 17 day of August 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

Exhibit

“A”

Chapter 143 – Zoning

Article XVIII – Industrial Districts

§ 143-135. Purpose of IP District and establishment of sectors.

The IP Industrial Park District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, contribute to the soundness of the economic base of the Township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in this chapter. The limitations on use, height and lot coverage are intended to provide for modern light industrial development in a suburban landscaped setting. The IP District is to be developed as a planned industrial district which shall include Mixed-Use ~~Overlay~~ and Office Technology Campus Sectors in conformance with an overall plan for the development. Residential and the more general commercial uses are considered not compatible and are prohibited, except in the Mixed-Use ~~Overlay~~ Sectors, as proposed in the approved ~~Valley Forge Corporate Center Master Plan~~ Lower Providence 2040 – Lower Providence Township Comprehensive Plan, and as set forth herein. Because the nature of the uses, the location of the district, the location of the sectors and the arrangement of the uses within them are expected to have a close relationship to an overall plan, it is deemed that the exercise of planning judgment on location and site plan is essential. Within the IP Industrial Park District, there shall be sectors as follows:

A. Mixed-Use ~~Overlay~~ Sector.

- 1) Shall apply to area within the IP District as may be designated by the Board of Supervisors of Lower Providence Township.
- 2) The provisions of the Mixed-Use Sector are mandatory and shall replace the provisions of the IP Industrial Park Zoning District when an area is designated to be within the Mixed-Use Sector. An area, when developed pursuant to- zoned within the provisions boundaries of the Mixed-Used ~~Overlay~~ Sector, shall not be developed in combination with the underlying IP Industrial Park Zoning District.
- 3) ~~Whenever the Mixed Use Overlay Sector is declared inapplicable to any land by administrative or judicial action or whenever the~~ If the Township deletes land from the ~~Mixed-Use~~ Sector, the zoning for

the subject land shall revert to IP Industrial Park. underlying zoning classification for the subject land shall apply.

B. Office Technology Campus Sector.

- 1) Shall apply to area within the IP District as may be designated by the Board of Supervisors of Lower Providence Township.
- 2) The provisions of the Office Technology Campus Sector are mandatory and shall replace the provisions of the IP Industrial Park Zoning District when an area is designated to be within the Office Technology Campus Sector. An area, when zoned within the boundaries of the Office Technology Campus Sector, shall not be developed in combination with the underlying IP Industrial Park Zoning District.
- 3) If the Township deletes land from the Office Technology Campus Sector, the zoning for the subject land shall revert to IP Industrial Park.