

**ORDINANCE NO. 618  
LOWER PROVIDENCE TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

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**AN ORDINANCE AMENDING THE LOWER PROVIDENCE TOWNSHIP  
ZONING ORDINANCE BY REVISING ARTICLE XXXIII, "RIDGE PIKE  
BUSINESS DISTRICT," TO PERMIT FAST-FOOD OR DRIVE-IN  
RESTAURANTS WITH DRIVE-THROUGH SERVICES AS A  
CONDITIONAL USE**

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**WHEREAS**, Lower Providence Township (the "Township"), pursuant to the Second Class Township Code, is authorized to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

**WHEREAS**, the Township deems it in the best interest and general welfare of the citizens and residents of the Township to amend its Zoning Ordinance to permit fast-food or drive-in restaurants with drive-through services as a conditional use in the Ridge Pike Business District;

**WHEREAS**, the Board of Supervisors of Lower Providence Township has met the procedural requirements of 53 P.S. § 10101, *et seq.*, the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including a public hearing; and

**WHEREAS**, the Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of Lower Providence Township will be served by the amendment of the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for Lower Providence Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**§ 1. CODE AMENDMENT.**

**A. THE LOWER PROVIDENCE ZONING ORDINANCE, ARTICLE XXXIII, "RIDGE PIKE BUSINESS DISTRICT," IS HEREBY AMENDED AS FOLLOWS:**

1. § 143-259, "Permitted uses," shall be amended by revising Paragraph G to read:

G. Restaurant, bar or tavern.

2. § 143-260, "Conditional Uses," shall be amended by adding new Paragraph J as follows:

J. Fast-food or drive-in restaurant with drive-through service. Fast-food or drive-in restaurants with drive-through services shall be subject to the following standards:

- (1) Any building, whether new or existing, used as a fast-food or drive-in restaurant with drive-through services shall conform to the design standards of § 123-142 of the Township Subdivision and Land Development Ordinance, unless waived, or create a uniform architectural scheme with the other buildings located on the property. Whether a uniform architectural scheme exists shall be within the sole discretion of the Board of Supervisors.
- (2) If an application to establish a fast-food or drive-in restaurant with drive-through service is not subject to the plan submission requirements and procedures of Article III of the Township Subdivision and Land Development Ordinance, the proposed landscaping shall be reviewed by the Board of Supervisors as part of the conditional use proceeding under § 143-80 of the Township Zoning Ordinance, and the Board of Supervisors may approve or require modification of the proposed landscaping prior to approval of the use.
- (3) Drive-through service facilities shall meet the standards of § 143-259 J. of this Zoning Code.

3. § 143-261, "Prohibited uses," shall be amended by repealing existing Paragraph H.

## **§ 2. 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.

## **§ 3. REVISIONS.**

The Lower Providence Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**§ 4. 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.

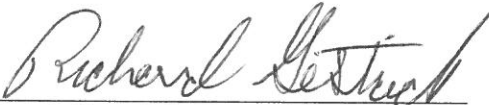
**§ 5. EFFECTIVE DATE.**

This amendment shall become effective five (5) days after date of adoption.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Providence Township, Montgomery County, Pennsylvania, this 4 day of Sept, 2014.

**ATTEST:**

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS:**

  
Richard Gestrich, Township Manager

By:   
Colleen Eckman, Chairperson