

ORDINANCE NO. 629
LOWER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE LOWER PROVIDENCE TOWNSHIP ZONING ORDINANCE BY REVISING ARTICLE XXXVI, "VC VILLAGE COMMERCIAL DISTRICT," TO PERMIT FACILITIES WITH DRIVE-THROUGH SERVICES AS A CONDITIONAL USE WITHIN THE AUDUBON VILLAGE.

WHEREAS, Lower Providence Township (the "Township"), pursuant to the 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 facilities with drive-through services as a conditional use within the Audubon Village as shown in the attached map marked Exhibit "A" described as "Audubon Village";

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, as follows:

ARTICLE I. VC VILLAGE COMMERCIAL DISTRICT

The opening paragraph of Subsection 143-281.A of the Lower Providence Zoning Ordinance is hereby amended to read as follows:

- A. Class One uses permitted by right. The following uses shall be permitted by right when proposed to be conducted within an existing building with or without expansion of interior floor space for the use or uses proposed:

ARTICLE II. VC VILLAGE COMMERCIAL DISTRICT

The opening paragraph of Subsection 143-281.B of the Lower Providence Zoning Ordinance is hereby amended to read as follows:

- B. Class Two uses permitted by right. The following uses shall be permitted by right when proposed to be conducted within an existing building with or without expansion of interior floor space for the use or uses proposed:

ARTICLE III. VC VILLAGE COMMERCIAL DISTRICT

Section 143-281.C of the Lower Providence Zoning Ordinance is hereby amended to read as follows:

- C. Class Three uses permitted by conditional use. The following uses shall be permitted by conditional use when proposed to be conducted within an existing building when expansion of interior floor space is proposed and/or when a new building is proposed:
 - (1) All Class One uses and Class Two uses, including combinations of these uses;
 - (2) Beer/wine/liquor stores;
 - (3) Bank without a drive-through;
 - (4) Establishments serving alcoholic beverages;
 - (5) Multiple buildings, but only when the existing principal structure is retained;
 - (6) Within the Audubon Village area of the V-C Zoning District as shown on the attached map, drive-throughs in conjunction with a bank, pharmacy, restaurant, or coffee shop.

ARTICLE IV. VC VILLAGE COMMERCIAL DISTRICT

Section 143-281.E of the Lower Providence Zoning Ordinance is hereby amended to read as follows:

- E. Prohibited uses. Any use not specifically allowed shall be prohibited in this district. This shall include, but not be limited to, any drive-through facilities (except those permitted within the Audubon Village area of the VC Zoning District as shown on the attached map); communications

antennas; utility structures; sexually oriented businesses; parking lots as a primary use; criminal treatment center; drug or alcohol treatment centers; group homes operated as criminal, alcohol, or drug treatment centers or halfway houses; any retail or specialty retail unless specified above; and any establishment selling vehicles of any kind, including, but not limited to, new or used automobiles, new or used trucks, new or used recreational vehicles, or new or used boats.

ARTICLE V. VC VILLAGE COMMERCIAL DISTRICT

A new Subsection J shall be added to Section 143-285 of the Lower Providence Zoning Ordinance and shall read as follows:

- J. Facilities with drive-through service permitted within the Audubon Village area of the VC Zoning District shall provide a minimum of an eight car stacking area for each drive-through lane, including the space at the pick-up window. These queuing spaces shall not interfere with other patron parking spaces on the site or on the internal circulation of the site. A bypass lane to exit from the drive-through/pick-up window lane and to circulate around the waiting line is to be provided. The applicant shall provide a detailed queue-demand study utilizing data of other existing "in-kind" facilities, if the minimum stacking area of 8 vehicles is not being provided. The Board of Supervisors may reduce and/or increase stacking area, if the Board determines such an action to be necessary. In no case shall the queue extend into the site access driveways and/or interfere with movements into/out of the site or traffic on the adjacent roadways.

ARTICLE VI. 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.

ARTICLE VII. 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.

ARTICLE VIII. 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.

ARTICLE IX. EFFECTIVE DATE.

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

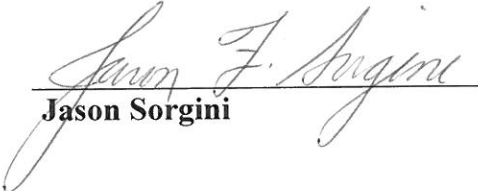
ORDAINED AND ENACTED by the Board of Supervisors of Lower Providence Township, Montgomery County, Pennsylvania, this 21st day of January, 2016.

ATTEST:

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS:**



Richard Gestrich, Township Manager



Jason Sorgini

Colleen Eckman

Patrick T. Duffy

Peter MacFarland

Jill Zimmerman



Exhibit – Audubon Village

AFFIDAVIT OF PUBLICATION
307 Derstine Avenue • Lansdale, PA 19446

LOWER PROVIDENCE TOWNSHIP
100 PARKLANE DR
EAGLEVILLE, PA 19403
Attention:

**STATE OF PENNSYLVANIA,
COUNTY OF MONTGOMERY**

The undersigned *Mina O'Heary*, being duly sworn the he/she is the principal clerk of The Times Herald, Times Herald Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

LEGAL NOTICE

Notice is hereby given that the Board of Supervisors of the Township of Lower Providence, Montgomery County, Pennsylvania, will consider for possible enactment, an ordinance, of which this Notice is a summary, amending Chapter 143, Zoning, Article XXXVI to permit drive-throughs in conjunction with a bank, pharmacy, restaurant, or coffee shop within the Audubon Village area of the VC Village Commercial District.

The Board of Supervisors will hold a public hearing on January 21, 2016, at 7:30 p.m., at the Lower Providence Township Municipal Building, 100 Parklane Drive, Eagleville, PA 19403 to consider the ordinance. A copy of the full text of the proposed ordinance is available at the Township offices, the Montgomery County Law Library, and the offices of this newspaper during normal business hours.

GRIM, BIEHN & THATCHER,
Township Solicitor

LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
100 Parklane Drive
Eagleville, PA 19403
NTH 1/7, 1/14 1-a

LOWER PROVIDENCE TOWNSHIP

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Sworn to the subscribed before me this 14th day of January 2016

Marcia B Burns
Notary Public, State of Pennsylvania
Acting in County of Montgomery

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MARCIA B. BURNS, Notary Public
Lansdale Borough, Montgomery County
My Commission Expires November 20, 2019

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