

# LOWER PROVIDENCE TOWNSHIP

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 143 [ZONING], BY AMENDING AND RESTATING ARTICLE I [TITLE; EFFECTIVE DATE; PURPOSE; DEFINITIONS], ARTICLE XXVII [INSTITUTIONAL OVERLAY DISTRICT] TO ADD A DEFINITION FOR SUPPORTIVE HOUSING AND PERMIT SUPPORTIVE HOUSING IN THE INSTITUTIONAL OVERLAY DISTRICT

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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. \_\_\_\_\_.

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E.J. Mentry, Township Manager  
\_\_\_\_\_, 2024

ENACTED: \_\_\_\_\_

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**WHEREAS**, the Board of Supervisors of Lower Providence Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *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 a comprehensive zoning ordinance, known as the Lower Providence Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI 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 Lower Providence Township Zoning Ordinance, 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 certain amendments to the Lower Providence Township Zoning Ordinance, as amended, are required for the orderly administration of the laws of Lower Providence Township;

**WHEREAS**, the Board of Supervisors of Lower Providence Township have determined that certain amendments to the Lower Providence Township Zoning Ordinance, as amended, are required to provide for supportive housing within Lower Providence Township.

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**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. Amendment to Chapter 143 [Zoning], Article I [Title; Effective Date; Purpose; Definitions], Section 6 [Definitions], to add a definition of Philanthropic.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 160 [Zoning], Article I [Title; Effective Date; Purpose; Definitions], Section 6 [Definitions] is hereby restated and amended to add the following:

**PHILANTHROPIC**

Philanthropic shall be construed to a business structure in which funds are used for humanitarian, charitable, or similar purposes. A Philanthropic use shall be subject to the provisions of this Chapter related to the underlying use and not the Philanthropic business structure.

**SECTION 2. Amendment to Chapter 143 [Zoning], Article I [Title; Effective Date; Purpose; Definitions], Section 6.2 [Use Definitions and Regulations], Institutional Use to add Subsection W to provide a definition for Supportive Housing.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 143[Zoning], Article I [Title; Effective Date; Purpose; Definitions], Section 6.2 [Use Definitions and Regulations] is hereby restated and amended to add the following:

**W. SUPPORTIVE HOUSING**

Supportive housing is short-term and emergency housing with 24-hour support services and care for individuals, 18 years of age and older, experiencing short-term housing insecurity and homelessness. Support services include, but are not limited to 24/7 trained staff, housing-focused case management, financial literacy education, benefits counseling, life skills coaching, job support, behavioral health services, and recovery support to help people achieve and maintain permanent housing. All incoming residents are referred and screened through a centralized intake process.

**SECTION 3. Amendment to Chapter 143 [Zoning], Article XII [Off-Street Parking Standards], Section 71 [General Regulations for Off-Street Parking], Subsection G [Required Spaces for Various Uses] to provide a requirement for Supportive Housing.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 160 [Zoning], Article XII [Off-Street Parking Standards], Section 71 [General Regulations for Off-Street Parking], Subsection G [Required Spaces for Various Uses] is hereby restated and amended to add the underlined language (example) as follows:

<b>Use</b>	<b>Requirement (number of spaces)</b>
<u>Supportive Housing</u>	<u>1 per 3 occupants of designed capacity</u>

**SECTION 4.           Amendment to Chapter 143 [Zoning], Article XII [Off-Street Parking Standards], Section 73[Shared Parking] to add Subsection C to resolve requirement conflicts.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 143 [Zoning], Article XII [Off-Street Parking Standards], [Shared Parking] is hereby restated and amended to add the underlined language (example) as follows:

- C.    Where shared parking is used where the contributing uses require conflicting dimensional standards, the more restrictive standards shall control.

**SECTION 5.           Amendment to Chapter 143 [Zoning], Article XXVII [Institutional Overlay District], Section 207 [Permitted Uses] to add Subsection F to permit Supportive Housing.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 143 [Zoning], Article XXVII [Institutional Overlay District], Section 207 [Permitted Uses] is hereby restated and amended to add the following:

- D.    Supportive Housing, subject to the following additional provisions:
- (1)    Supportive Housing shall be located on an existing multi-building property consisting of solely Institutional Uses, as defined in § 143-6.2.
  - (2)    Staff members shall be on-duty at all times.
  - (3)    Based on the standards in the 2021 International Property Maintenance Code, bedroom areas of residential units (which are distinguished from dwellings and dwelling units as defined) shall have a minimum 50 square feet per occupant for two (2) or more occupants, and a minimum of 70 square feet for only one (1) occupant.
    - (a)    Common area living space shall be a minimum of 120 square feet for five (5) or fewer occupants and a minimum of 150 square feet for six (6) or more occupants.
    - (b)    Common dining area space shall be a minimum 80 square feet for three (3) to five (5) occupants and 100 square feet for six (6) or more occupants.
    - (c)    No bedroom area shall have more than eight (8) occupants.
  - (4)    A Supportive Housing facility shall not consist of any combination of residential units, as defined above, which would provide occupancy for more than sixty (60) occupants in any one (1) facility, where a facility is a single operating entity located on a unified tract of land that may include one or several separate buildings to accommodate the total number of residents for any one (1) facility.

- (5) Meals shall be provided to all residents.
- (6) Public transit shall be available within 500 feet of the property on which the Supportive Housing is located.
- (7) Shared parking may be provided in accordance with § 143-73.A.
- (8) A Supportive Housing facility shall screen all prospective residents. Subject to the limited exceptions stated below, individuals convicted of an offense defined in 42 Pa.C.S.A. § 9714(g) will not be admitted.
  - (a) Excluding convictions for murder, manslaughter, a violent sexual offense that subjects an individual to a registration requirement under a sex offender registration, or any violent or sexual offense perpetrated against a minor, an individual may be considered if reasonable time has elapsed since the offense, and the individual has provided evidence of rehabilitation, as set forth in the policies required below.
  - (b) A supportive Housing residential facility shall be required to develop and maintain a written policy with admission criteria. This policy shall adequately protect the safety and welfare of facility residents and the community and shall include consideration of the applicant's behavioral health history, number and nature of criminal convictions, number and nature of the pending criminal cases, and/or active warrants issued for the applicant's arrest. The Supportive Housing facility will provide the policy and any amendments to the Township. The Township shall have the opportunity to provide comment and suggestions on the policy. The policy must comply with all applicable federal and state guidelines and all Township ordinances.
- (9) A community impact analysis shall be submitted to the Township containing the following information for review by the Township Board of Supervisors:
  - (a) The compatibility of the proposed development with land uses that are adjacent to the site and consistency with the Lower Providence Comprehensive Plan.
  - (b) The impact of the proposed development on sensitive natural areas, including floodplains, steep slopes, woodlands, waterways, recreational areas and conservative areas.
  - (c) The impact of the development on public utilities, including sewage disposal, storm drainage and electrical utilities, the provision of police and fire protection, and the impact of the proposed use on all Township and other public services.

- (d) A traffic impact study shall be submitted as required by § 143-214 of this article.
  - i. The traffic impact study requirement may be waived by the Board of Supervisors upon request of the applicant and where the community impact analysis demonstrates no significant increase in traffic or a reduction in traffic.
- (e) Documentation of on-site or off-site improvements proposed to alleviate any projected negative impacts of the development.
- (f) The community impact analysis may be waived by the Board of Supervisors upon request of the applicant at the discretion of the Board of Supervisors.
- (g) The community impact analysis shall be submitted to, reviewed by, and approved by the Township prior to the issuance of a Use and Occupancy Certificate.

**SECTION 6.      Amendment to Chapter 143 [Zoning], Article XXVII [Institutional Overlay District], Section 210 [Dimensional Standards for Permitted Uses] to provide standards for Supportive Housing.**

The Code of the Township of Lower Providence, Part II [General Legislation], Chapter 143 [Zoning], Article XXVII [Institutional Overlay District], Section 210 [Dimensional Standards for Permitted Uses] is hereby restated and amended to delete the struck-through language (~~example~~) and add the underlined language (example) as follows:

- A. Minimum lot size: two acres.
  - (1) Minimum lot size for Supportive Housing: five acres.
- B. Minimum lot width at building setback line: 200 feet.
  - (1) Minimum lot width for Supportive Housing: 400 feet.
- C. Minimum street frontage: 100 feet.
  - (1) Minimum street frontage for Supportive Housing: 200 feet.
- D. Minimum building setback:
  - (1) From ultimate right-of-way line: 50 feet.
  - (2) From residential side yard: 50 feet.
  - (3) From ultimate right-of-way line for Supportive Housing: 100 feet.

- (4) From residential property line for Supportive Housing: 100 feet.
  - (5) From all other property lines for Supportive Housing: 75 feet.
- E. Maximum building height: 35 feet.
- (1) Maximum building height for Supportive Housing: 45 feet or the building height permitted in the underlying zoning district, whichever is less restrictive.
- F. Maximum building coverage: 30%.
- (1) Maximum building coverage for Supportive Housing: 20%.
- G. Maximum impervious coverage: 50%.
- H. Minimum vegetation, trees or landscaping: 30%
- (1) Minimum vegetation, trees or landscaping for Supportive Housing: 50%.
- I. Minimum distance between building(s): 25 feet.
- (1) Minimum distance between building(s) for Supportive Housing: 45 feet.
- J. Minimum parking area setback:
- (1) From ultimate right-of-way line: 25 feet.
  - (2) From buildings: 15 feet.
  - (3) From property lines: 25 feet.
  - (4) From ultimate right-of-way for Supportive Housing: 50 feet.
  - (5) From buildings for Supportive Housing: 20 feet.
  - (6) From property lines for Supportive Housing: 50 feet.
- K. Maximum horizontal building dimension for Supportive Housing:
- (1) Lot size less than 10 acres: 200 feet.
  - (2) Lot size 10 acres or more: 400 feet.
  - (3) Covered walkways connecting buildings shall not be excluded from these dimensional requirements.
- L. All dimensional standards for Supportive Housing under this Section shall be applicable only to newly-constructed buildings.

**SECTION 7. 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 8. 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 9. Effective Date.**

This Ordinance shall become effective 5 days after enactment.

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**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the Lower Providence Township Board of Supervisors.

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS**

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DR. JANINE DARBY, *Chair*

[Seal]

Attested by:

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E.J. MENTRY, *Manager*