

LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE NO. 659
(Duly Adopted March 21, 2019)

**AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA, ESTABLISHING AN
OFFICIAL MAP FOR A PORTION OF LOWER PROVIDENCE
TOWNSHIP**

WHEREAS, the Board of Supervisors of Lower Providence Township has determined that it is in the best interest of the Township to adopt an official map for a portion of the Township pursuant to the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of Lower Providence Township has determined to identify proposed public roads, rights of way and pedestrian connections upon the official map located within the Ridge Pike West Zoning District (RPW) within the Township; and

WHEREAS, the Board of Supervisors has determined that the adoption of an official map promotes the general health, safety and welfare of the Township residents by identifying and reserving future public facilities within the RPW Zoning District.

***THEREFORE IT IS HEREBY ORDAINED AND ENACTED by the Board of
Supervisors of Lower Providence Township, Montgomery County, Pennsylvania, as follows:***

SECTION I. PURPOSE

The purpose of this ordinance is to adopt an Official Map of a portion of the Township that shows proposed public roads, rights of way and pedestrian connections. . The Township adopts this ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code (53 P.S. 10401 *et seq.*).

SECTION II. OFFICIAL MAP

A. The Official Map adopted by this ordinance shall be known as the “Ridge Pike West District Official Map”, a copy of which is attached hereto and incorporated herein. A copy of this Official Map shall be recorded with the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, and another shall be kept on file in the Lower Providence Township Building.

B. The Official Map lays out proposed public roads, rights of way and pedestrian ways and establishes a 60-foot-wide right-of-way for construction of improvements. This Official Map may be amended from time to time pursuant to the Pennsylvania Municipalities Planning Code.

SECTION III. APPROVED PLATS

All streets, watercourses, public grounds, public parks, playgrounds, open space, pedestrian ways and easements, stormwater management facilities, flood plains, and any other public lands and/or facilities shown on final, recorded plats that have been approved by Lower Providence Township in accordance with the Pennsylvania Municipalities Planning Code shall be deemed amendments to this Official Map.

SECTION IV. EFFECT OF OFFICIAL MAP

The Township shall not issue any permit for any proposed or existing building, improvement, or other structure within the lines of any street, watercourse, public ground, public park, playground, open space, pedestrian way or easement, stormwater management facility, flood plain, or any other public land and/or facility shown or laid out upon the Official Map or an amendment thereof. No person shall recover any damages for the taking for public use of any building improvement, or structure constructed within the lines of any street, watercourse, public ground, public park, playground, open space, pedestrian way or easement, stormwater management facility, flood plain, or any other public land and/or facility after the same has been included in the Official Map or any amendment thereof.

SECTION V. TIME LIMITATIONS

All streets, watercourses, public grounds, public parks, playgrounds, open space, pedestrian ways and easements, stormwater management facilities, flood plains, and any other public lands and/or facilities shown on the Official Map shall be deemed reserved for future taking or acquisition for public use for twenty-five (25) years from the date of enactment of this Official Map or any amendment thereof. Any reservation for public grounds, however, shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the Board of Supervisors announcing his or her intention to build, subdivide, or otherwise develop the land covered by the reservation or one (1) year after an owner of such property has made formal application for an official permit to build a structure for private use upon the land covered by the reservation. This lapse of the reservation shall not take effect if the Township has acquired or begun condemnation proceeding to acquire the land covered by the reservation before the end of this one (1) year period.

SECTION VI. SPECIAL ENCROACHMENT PERMIT

When the Official Map shows or lays out public lands and/or facilities upon property and said property cannot yield a reasonable return to the owner unless a permit is granted, the owner may apply to the Board of Supervisors for the grant of a special encroachment permit to build the proposed building, improvement, and/or structure. Before granting any special encroachment permit, the Board shall submit the application to the Township Planning Commission. The Planning Commission shall have thirty (30) days in which to hold a public hearing, pursuant to public notice, for the review and issuance of comments upon the application. All interested parties shall have an opportunity to be heard at this hearing. After thirty (30) days have elapsed from the

submission of the application to the Planning Commission or upon receipt of the Planning Commission's review and comments regarding the application, whichever is sooner, the Board shall take a vote, at a public meeting, upon the application. If the Board refuses to grant the special encroachment permit, this refusal may be appealed to the Township Zoning Hearing Board in conformance with the applicable provisions of Article IX of the Municipalities Planning Code.

SECTION VII. REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

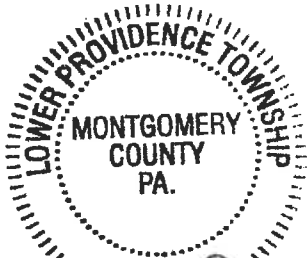
SECTION VIII. SEVERABILITY

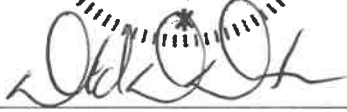
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Providence Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION IX. EFFECTIVE DATE


This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 21st day of March, A.D., 2019.




Don D. Delamater, Township Manager

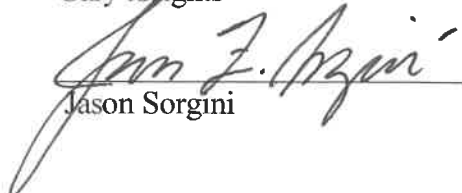
LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS

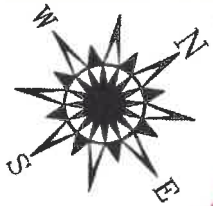

Peter MacFarland, Chairman


Colleen Eckman, Vice Chairwoman


Patrick T. Duffy


Gary Neights


Jason Sorgini



LEGEND

- FUTURE ROADWAY
- POTENTIAL FUTURE FRONTAGE ROAD/ACCESS ROAD
- FUTURE ROADWAY REMOVAL



**LOWER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY PA
THE RIDGE PIKE WEST DISTRICT
OFFICIAL MAP**

