

## RESOLUTION NO. 17-09

### **A RESOLUTION OF THE LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS, ESTABLISHING A POLICY FOR GRANTING OR DENYING ORDINANCE MODIFICATIONS UNDER THE LOWER PROVIDENCE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND CREATING CAPITAL IMPROVEMENT FUNDS TO ACCEPT FEES AND CONTRIBUTIONS**

**WHEREAS**, the Lower Providence Township Subdivision and Land Development Ordinance (SLDO) requires roadway improvements and other public improvements to be constructed in connection with subdivisions and/or land developments of real estate within Lower Providence Township; and

**WHEREAS**, SLDO public improvements include, but are not limited to, improvements along existing public roads, including widening, curbs, sidewalks, stormwater drainage improvements, street trees, and streetlights, and the construction of new roads within a subdivision or land development; and

**WHEREAS**, Sections 503 (8) and 512.1 of the Municipalities Planning Code permit modifications to SLDO requirements provided that such modification will not be contrary to the public interest or when an alternative standard can provide equal or better results; and

**WHEREAS**, the Board of Supervisors has determined that it is the Township's best interest to establish dedicated capital improvement funds to accept contributions and fees in lieu of construction where a developer or landowner is seeking modifications to the SLDO.

**NOW, THEREFORE**, it is hereby **RESOLVED** by the Lower Providence Township Board of Supervisors, as follows:

1. All applicants should submit plans in full compliance with the zoning and subdivision regulations, including, but not limited to, all roadway improvements or other public improvements required by the Lower Providence Township Subdivision and Land Development Ordinance, unless the applicant intends to file a request for modification of some or all of the required improvements in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
2. Applicant should not assume that any modification request would be approved, and approval of modifications in prior projects does not guarantee or establish a precedent of similar modifications in that each property is unique and township roadways and traffic patterns evolve over time. Compliance with all ordinance requirements should be the beginning point of any plan application.
3. In the event that the applicant has requested a modification of any provision of the Subdivision and Land Development Ordinance, the township engineer shall determine an estimated cost of the required roadway or other public improvements and shall communicate that estimated cost to the applicant and/or owner. The ultimate determination as to the required roadway or other public improvements to be modified shall be within the jurisdiction of the Board of Supervisors.

4. All agreed fees in lieu of construction of required improvements shall be communicated to the owner/applicant who shall have the option to pay the recommended fees or to install some or all of the required public improvements pursuant to the requirements of the Lower Providence Township Subdivision and Land Development Ordinance.

5. There is hereby created three capital improvement funds into which all contributions and fees in lieu of improvements shall be paid and which shall be dedicated to the following purposes unless approved otherwise by the Board of Supervisors:

- a) Sidewalk/Trail Fund
- b) Stormwater Improvement Fund
- c) West End Capital Improvement Fund

6. Nothing contained herein shall require the Supervisors to accept or approve a contribution in lieu of roadway improvements on or for any development, to grant any waiver or waivers, or to accept dedication of any roadway, improvements, or portion thereof.

***SO RESOLVED***, at a duly convened meeting of the Board of Supervisors conducted on this 16<sup>th</sup> day of February, 2017.

LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

  
Colleen Eckman, Chairwoman

  
Donald D. Delamater, Secretary

