

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

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, PENNSYLVANIA, BY ADDING CHAPTER 126 ENTITLED “OFFICIAL MAP”, PROVIDING FOR THE PURPOSE OF THE CHAPTER; AND INCORPORATION AND ADOPTION; PROVISIONS; EFFECT OF ADOPTION; CONDITIONS; TIME LIMITATIONS; RECORDING; AND REVISIONS OF THE OFFICIAL MAP**

**WHEREAS**, the Township of Derry (the “Township”) is a second class Township of the Commonwealth of Pennsylvania; and,

**WHEREAS**, by Resolution No. 1444, resolved on January 26, 2016, the Board of Supervisors of the Township of Derry (the “Board”) adopted the 2015 Township Comprehensive Plan, dated December 2015, prepared by Derck and Edson Associates, LLP, Environmental Planning and Design, Inc., and Traffic Planning & Design, Inc.; and,

**WHEREAS**, pursuant to Article IV of Act 247 of 1968, the Pennsylvania Municipalities Planning Code (the “MPC”), as amended, the Township is authorized to establish and adopt an Official Map (“Official Map”) and accompanying Ordinance, which map shows appropriate elements of the 2015 Township Comprehensive Plan and includes those elements described in Section 401 of the MPC; and,

**WHEREAS**, pursuant to Article IV, Section 402(a) of the MPC, a copy of the Official Map has been forwarded to the Township of Derry Planning Commission for review and comment at a public meeting held on July 5, 2016, and the Township Planning Commission issued its recommendations to the Board for their consideration; and,

**WHEREAS**, pursuant to Article IV, Section 408(b) of the MPC, a copy of the Official Map has been forwarded to the Dauphin County Planning Commission for review and comment on June 10, 2016, and the Dauphin County Planning Commission issued recommendations dated July 11, 2016, which have been provided to the Board for their consideration; and,

**WHEREAS**, pursuant to Article IV, Section 408(c) of the MPC, a copy of the Official Map has been forwarded to the contiguous municipalities on June 10, 2016 for their review and comment, with any and all received comments having been provided to the Board for their consideration; and,

**WHEREAS**, pursuant to Article IV, Section 402(b) of the MPC, the Board conducted a public hearing on August 9, 2016, where it considered the proposed Official Map, public comment, and the solicited reviews of the Township Planning Commission, Dauphin County Planning Commission, and contiguous municipalities; and,

**WHEREAS**, the Board finds that the Official Map is consistent with the overall goals of the 2015 Township Comprehensive Plan.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Derry, Dauphin County, Pennsylvania, as follows:

**SECTION 1:** Chapter 126 is hereby added to the Code of the Township of Derry to read as follows:

**CHAPTER 126  
OFFICIAL MAP**

**§126-1. Purpose.**

This Chapter is enacted for the purposes of serving and promoting public safety, health, and the general welfare of the Township and its current and future residents; facilitating adequate provisions for public streets and related facilities; providing for recreational and open space needs of the Township; and protecting and enhancing natural and cultural resources for the Township.

**§126-2. Incorporation and adoption of the Official Map.**

Pursuant to the authority granted to the Township of Derry Board of Supervisors (the "Board" in Article IV of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, (the "MPC"), the Board hereby adopts the Official Map of the Township of Derry, which is attached hereto and titled, "The Township of Derry Official Map", dated January 21, 2016, and prepared by Traffic Planning and Design, Inc. The Official Map shall be identified by the signature of the Chairman of the Board and attested by the Secretary of the Board, using the following words "This map is certified as the original Official Map of the Township of Derry as adopted by the Township of Derry Board of Supervisors, Dauphin County, Pennsylvania, on \_\_\_\_\_, 2016."

**§126-3. Provisions of the Official Map.**

The Official Map, as adopted herein, depicts and describes, in three components, the graphic representations and textual descriptions of proposed streetscape, roadway, and intersection improvements; the existing trail and bicycle network; future trailheads; future trail and bicycle network extensions; proposed roadways; existing and proposed parks and open spaces; existing floodplains; and proposed flood control areas and improvements. Such representations are not necessarily limited to current depictions and may be revised by the Board pursuant to the requirements of Article IV of the MPC.

**§126-4. Effect of the adoption of the Official Map.**

- A. The graphic representations and textual descriptions of areas shown on the Official Map, as cited in §126-3, are shown using methods sufficient for approximate location and identification of represented areas including ground, roadway, and intersection

improvements and transportation corridors; open space and parkland, including greenways, trails, and bicycle/pedestrian links; historic sites and resources and natural areas; and areas identified for flood control basins, floodways, and other areas as depicted. These areas shall be reserved locations for future taking, acquisition, acceptance, or easements of land for public use.

- B. Pursuant to the requirements of Article IV, Section 401(b) of the MPC, the Township shall obtain surveys of property locations for the purposes of taking actions under this Chapter.
- C. The adoption of any street, street lines, trail, or other public lands pursuant to Article IV of the MPC as part of the adoption of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate the Township to improve or maintain any such street or land. The adoption of proposed watercourses, flood control areas, or other public grounds as part of the Official Map shall not in and of itself constitute or be deemed to constitute a taking or acceptance of any land by the Township.

**§126-5. Construction within any area reserved for public use.**

- A. For the purposes of preserving the integrity of the Official Map, no permit shall be issued for any building within the lines of any street, trail, flood control area, watercourse, or other public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, trail, flood control area, watercourse, or other public ground after the same has been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner.
- B. When a property contains a reserved area, or portion thereof, and cannot yield a reasonable return to the owner unless a permit is granted, the owner may apply to the Board for a special encroachment permit to build. Before granting any special encroachment permit authorized in this section, the Board may submit the application for a special encroachment permit to the Township of Derry Planning Commission and allow the Planning Commission thirty (30) days to review and comment on the issuance of the special encroachment permit. Following receipt of any recommendations from the Planning Commission, the Board shall conduct a public hearing, pursuant to public notice in accordance with the requirements of the MPC, at which all interested parties shall have an opportunity to be heard. A refusal by the Board to grant the special encroachment permit may be appealed by the applicant to the Township of Derry Zoning Hearing Board in the same manner and within the same time limitations as are provided in Chapter 225 of the Township Code of Ordinances.

**§126-6. Effect of approved plats on the Official Map.**

After adoption of the Official Map, all streets, trails, flood control areas, watercourses, and other public grounds and the elements, as cited in §126-3 above, that are shown on final,

recorded plats which have been approved pursuant to the requirements of the MPC, shall be deemed to be amendments to the Official Map. Notwithstanding any applicable terms of the MPC, no public hearing needs to be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved pursuant to the requirements of Chapter 185 of the Township Code of Ordinances and the MPC.

**§126-7. Time limitations on reservations for future taking.**

The ability of the Township to obtain or acquire for public use those streets, trails, flood control areas, watercourses, and other public grounds or other features noted and identified or to be noted and identified on the Official Map from time to time shall be perpetual and indefinite. However, the reservation for public grounds shall lapse and become void one (1) year after an owner of such property has submitted a written notice to the Board announcing their intentions to build, subdivide, or otherwise develop the land covered by the reservation, or has made formal application for an official permit to build a structure for private use, unless the Board shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the one-year period.

**§126-8. Recording of the Official Map.**

The Board directs that upon adoption of this Chapter, a copy of the Official Map, verified by the Board, shall be submitted to the Recorder of Deeds of the County of Dauphin to be recorded within sixty (60) days of the effective date of this Chapter.

**§126-9. Updates to the Official Map.**

In accordance with Article IV, Section 406 of the MPC, the Official Map shall remain in effect indefinitely. The map shall be updated in accordance with the MPC to reflect current conditions and as future developments and additional studies become available.

**SECTION 2: Severability.** Should any section, subsection, or clause of this Ordinance be held to be unconstitutional or invalid, for any reason, such decision or decisions shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

**SECTION 3:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**ORDAINED AND ENACTED** into law this \_\_\_\_\_ day of \_\_\_\_\_, 2016, to become effective five days from the date hereof.

BOARD OF SUPERVISORS  
TOWNSHIP OF DERRY  
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST

BY: \_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
Chairman

DRAFT