

Understanding the Township's Proposed Official Map

In September, the Derry Township Department of Community Development presented a draft of the Official Map at a public hearing. Because of the number of residents who attended the hearing and the questions that continue to be presented, we are providing the following information to better explain the purpose of the Map and Ordinance and how it affects property owners.

Thank you to all of those that have already shared your concerns and suggestions and for being a part of this collaborative process. The map is currently being updated to reflect the changes suggested by residents. A new draft version of the map will be posted prior to the next public hearing, which will likely be held sometime in January 2017. In the meantime, you are encouraged to continue submitting your ideas.

1. What is an Official Map?

An Official Map is a map and ordinance that shows existing public lands and designations for future public lands and facilities in the Township. Many of these designations have already been identified in the Township's Comprehensive Plan, traffic studies, the Parks and Open Space Plan, or other studies that have been completed by the Township. Facilities are designated to address issues such as bike and pedestrian paths, existing and proposed parks and open spaces, intersection improvements, road extensions, stormwater facilities, and flood improvement areas.

The Official Map and Ordinance are permitted under the Pennsylvania Municipalities Planning Code (MPC) and much of the language of the Ordinance is from the Code. While the Official Map is a separate document from the Township Zoning Ordinance, Zoning Map, and Subdivision and Land Development Ordinance, the Official Map and Ordinance are supplements depicting **potential** future public facilities and establishing a process for the Township to facilitate construction of the facilities simultaneously with new development projects.

2. Why is an Official Map beneficial to a Township?

- The map establishes the long-term planning efforts of the Township to provide for additional public facilities and safety improvements to the road network.
- It conveys the goals and objectives of the Comprehensive Plan and other planning documents completed by the Township. By combining the goals and objectives of numerous planning documents into one map, the Township is able to focus its resources and prioritize areas for future public facilities. The map will be utilized in financial planning and collaboration among Township Departments.
- The Township Zoning and Subdivision and Land Development Ordinances are limited by the MPC to regulating things like permitted uses and the design of new construction projects on private property. When used in conjunction with these Ordinances, Official Maps help to provide an additional planning tool to municipalities by serving as a guide for the location of future public facilities, and ensuring that the facilities are either completed or otherwise incorporated into the development proposed on private properties.

- The Official Map increases the likelihood that sensitive environmental features will be preserved by enabling the Township to reserve land for future parks, trails, greenways and protection of other environmental resources, without having to immediately commit funds to purchase land or easements.
- The Map will give the Township a competitive advantage over those municipalities that don't have an Official Map and up-to-date Comprehensive Plan when applying for grants and other funding to implement priority areas identified on the map.

3. What kind of facilities may be shown on the Official Map?

The MPC permits municipalities to show existing and proposed bicycle and pedestrian paths, existing and proposed parks and open spaces, intersection improvements, road extensions, stormwater facilities, and flood improvement areas. Additional features may be included provided there is a benefit to the public for the features to be shown.

4. If my property is shown to contain a portion of a public facility, will it affect improvements to my property?

Once an application for a qualified development is received, the Township has up to one year to determine whether they want to pursue acquisition of land for the facility shown on the Official Map. When an application is submitted for private development that is not associated with a formal subdivision or land development submission, this determination would be able to occur quickly so that the permit process is not held up for a significant amount of time beyond typical review periods.

If the Township decides to proceed with acquisition of lands, a negotiation process will begin with all of the affected property owners. The property owner may dedicate land or right-of-way for the facility to be constructed, the Township may condemn and/or purchase an easement or right-of-way from the owner, or the developer may construct the facility as part of their development.

In order to ensure the integrity of the Official Map, Section 126-5 of the Ordinance would prevent any new structure from being constructed within the lines of a public facility shown on the Map. Once the map is adopted, this limitation provides that any building or improvement knowingly placed within the lines of a public facility shall be removed at the expense of the owner.

To protect property rights and values, the Board of Supervisors may issue special encroachment permits under the Ordinance for construction of an improvement in the area where a public facility has been identified on the Map, provided the owner can demonstrate that no other alternative locations exist for that improvement. If a special encroachment permit is issued, the applicant may legally proceed with the improvement to their property.

5. Will the Township definitely need my land if a facility is shown on my property?

Showing the feature on the Map does not mean that your property has been or will be needed by the Township. Some of the improvements shown on the map may never occur if site conditions are prohibitive, there is a lack of funding, or there are other unforeseen factors that would prevent the improvement from occurring.

The purpose of the Map is to show that the Township has determined that there is an opportunity in that area for a future improvement. The map identifies these areas for potential future improvements in a comprehensive manner so that residents and developers are aware. The Township gains no additional eminent domain power through the Official Map adoption process. In fact, a governmental entity may use eminent domain to obtain lands for a public purpose without the Official Map. The Official Map identifies areas for improvements and provides a process to negotiate with landowners and developers to obtain lands for a public purpose so that eminent domain is used as a last resort.

6. Why does the Draft Official Map Ordinance mention the term “taking” under Section 126-4 and 126-5 of the Ordinance if showing the public facilities on the map is not a taking?

Section 225-126.4.C of the Ordinance is where it is stated that showing any features on the map, in it of itself, does not constitute a taking of property; however, adoption of the Official Map does set up a process to negotiate terms of acquiring the land at some point in the future for public use, if necessary. The acquisition of the land at some point in the future is what the term “taking” is referring to in Section 126-4.A of the proposed Ordinance.

7. If a public facility is shown on my land will I have to pay for its completion?

The improvements shown on the map, such as the sidewalk corridors, trails and road improvements, would likely be part of a larger Township-sponsored project, or they may be included in subdivision and land development projects where they would then be privately funded by developers. Residential owners may be asked to dedicate or sell an easement or portion of land through the negotiation process described above, if it is necessary for completion of the improvement. It is not the intent of the Map and Ordinance for individual residents of the Township to install the improvement.

8. Will the Official Map change my ability to make improvements to my property in the future?

No. If a potential facility is shown to run through any part of your property, you will submit plans and permit applications for development as you have done in the past. A policy statement is being developed that may be added to the Ordinance to define what types of development will undergo a review process under the Official Map.

9. Are the locations of the proposed facilities shown on the Map final?

No. Locations of proposed facilities are not final if shown on the map. The future trails and other line segments showing road extensions, for example, have only been drawn for planning purposes. Engineered plans do not exist for the majority of the features on the map. Site conditions, negotiations with landowners and developers, and available funding will all have a significant impact on the final location of the facilities.

Some locations of the proposed facilities on the Map are being altered based on public comment, where possible, so that **many of the proposed improvements will follow property lines instead of bisecting central areas of a property.** This will enable many improvements to existing dwellings, as well as construction of many types of accessory structures, without incurring any additional review under the Official Map requirements.

However, if a property is anticipated for future subdivision or land development under the Subdivision and Land Development Ordinance, facilities may still be shown running through central locations of the property to encourage developers to construct the facilities, or to provide easements or rights-of-way as part of that development. If site conditions and negotiations with landowners and developers differ from the Township's early planning of the future facilities, plenty of flexibility is offered with the map to plan alternative locations.

If you have questions or concerns prior to the continued public hearing, please contact Brandon Williams, Assistant Director of Community Development, at bwilliams@derrytownship.org.