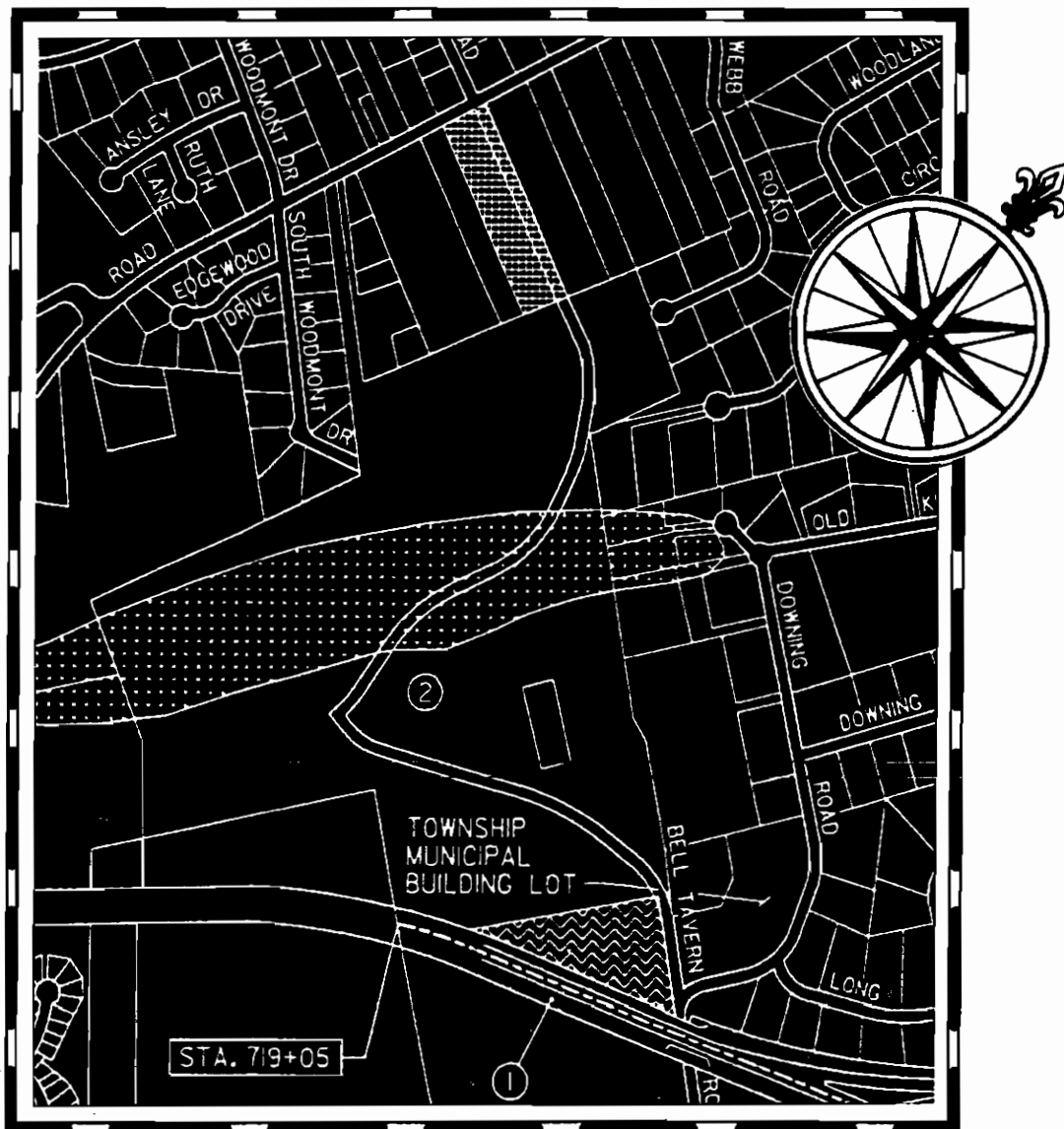




The Official Map



BOARD OF COUNTY COMMISSIONERS

Joseph J. Kenna, Chairman
Karen L. Martynick
Andrew E. Dinniman

OFFICIAL MAP

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1. OVERVIEW

Pro-active planning measures must be considered if municipalities are to ensure the preservation of important community resources. As municipal and regional land use planning issues become more complex, it is important that municipalities use all the tools at their disposal. The official map is a valuable but under-used planning tool that few municipalities have considered as an option to address land use issues. Currently, only two municipalities in Chester County have adopted some form of an official map. The Chester County Planning Commission encourages a wider use of the official map. This publication provides municipalities with information on how and why an official map is of value in municipal planning.

The Planning Bulletin explains the benefits of using an official map and clarifies common misconceptions concerning the official map. Simple step-by-step instructions for creating and adopting the map are outlined. Changes to planning legislation that make this planning tool more readily available for use by municipalities are discussed. Model ordinance language and the legislative provisions governing the use of the official map are included in the appendices.

This Planning Bulletin is one in a series informing municipal officials, administrators, and interested citizens of current developments in planning. Previously published planning bulletins are listed at the end of this document.

2. WHY ADOPT AN OFFICIAL MAP?

WHAT IS THE PURPOSE OF AN OFFICIAL MAP?

The official map is one of the least understood planning tools available in Pennsylvania. Although the concept of the official map has existed in the the United States since the early 1800's, their current use in Pennsylvania is limited to a handful of municipalities. This Bulletin provides information for a better understanding of the potential value of official maps in guiding development, preserving future roadways, and protecting important municipal lands.

The official map identifies both private and public lands for which the public has a current or future need. Future improvements and extensions of the municipal road network are identified and protected by the official map. The map furthers implementation of the comprehensive plan, open space and recreation plan, and other identified planning goals. The use of the official map in a variety of planning programs is discussed in Section 4.

Under the Municipalities Planning Code, the official map legally establishes the location of existing and proposed streets, waterways, parks, and other public lands and facilities. The map provides notification of the location of public improvements, thus preventing construction within future rights-of-way and other future public areas. When a property owner proposes to develop or subdivide land designated in the official map, the municipality is given a one year time frame in which to purchase the property or obtain an easement.

The lack of municipal enthusiasm for this valuable planning resource results from misconceptions about how the official map is applied and a limited understanding of the benefits it offers. This section of the Planning Bulletin discusses both the misconceptions and the benefits of implementing an official map.

WHAT MISCONCEPTIONS SURROUND THE OFFICIAL MAP?

Reluctance to adopt an official map is due to a number of misconceptions about the process involved in creating the map and the effect of the map once adopted. These misconceptions are discussed below:

The official map is not a zoning map - Some municipalities mistakenly believe that the zoning map or the future land use map in their comprehensive plan is their "Official Map." In fact, the official map is a separate, legally adopted document which requires established procedures for development and adoption.

The official map does not have to be surveyed - Until 1988, the Municipalities Planning Code required an exact metes and bounds survey to create the map.¹ Under current requirements, other methods can be used if they sufficiently describe the location of map components. The metes and bounds survey is not required until an actual purchase of land is proposed.

The official map does not imply municipal responsibility for opening, maintaining or improving mapped roads - According to Section 404 of the Municipalities Planning Code, the inclusion of streets or other public lands on the official map does not constitute the opening or establishment of the street, the taking or acceptance of land, nor does it obligate the municipality to improve or maintain such streets or land. The responsibility would not apply until the purchase or formal acceptance of streets or properties are designated on the map.

¹ Several revisions were made to the Municipalities Planning Code in 1988 that further simplified the implementation of the official map. These changes and the MPC official map requirements in their entirety are included in Appendix A.

The official map is not a taking of land - The establishment of an official map does not constitute a taking of the mapped areas. Although a property owner cannot build within mapped areas, the owner is free to use other portions of the land in whatever way the municipal ordinances allow. If a property owner intends to subdivide or develop land reserved on the official map, he must submit written notice to the municipality of these intentions. Following notification, the municipality has one year in which to purchase the land or obtain an easement. If necessary, the municipality may use condemnation proceedings to acquire the land. The municipality should avoid splitting a tract into irregular or unusable pieces when creating the official map.

The official map does not have to cover the entire municipality - The 1988 revisions to the Municipalities Planning Code make it possible for only a portion of a municipality to be included on an official map.

WHAT ARE THE BENEFITS OF THE OFFICIAL MAP?

A lack of knowledge concerning the benefits of an adopted official map is another reason few municipalities have considered its use. Several of the most important advantages are:

Provides for the coordination of public and private goals - The official map allows the public and private sector to work in harmony. Prospective developers are made aware, up front, of long range municipal goals for roads, parks, and other public facilities. This allows development plans to be adjusted accordingly, before more detailed and costly plans are prepared. If a landowner ignores the official map and builds within designated lands, the municipality does not have to compensate the landowner for the structure if the land is acquired and the structure can be removed at the owner's expense.

The official map benefits prospective developers by indicating where development is considered desirable based on the location of proposed future infrastructure improvements shown on the map.

Provides an effective method for implementing the comprehensive plan and other planning goals - The official map provides an important mechanism for implementing the goals and recommendations of the comprehensive plan. Most municipalities rely primarily on their zoning and subdivision ordinances to implement their future land use goals. The official map provides an additional and highly effective tool to ensure that a municipality is developed in accordance with its land use policies. The official map is particularly effective for implementing the specific transportation and community facility recommendations of the comprehensive plan. The implementation of an open space or park and recreation plan can benefit from the designation of existing and proposed parks and related facilities on the official map. (See Section 4 for a more detailed discussion on this topic.)

Official Map can be linked to the zoning and subdivision ordinances - The municipal land use ordinances should include regulations tying proposed development or subdivision to the official map. (See Section 5) This ensures that potential interference with future streets or other mapped features is prevented at the plan review stage. Setbacks of buildings from future rights-of-way can be ensured this way. Where only a building permit is required, review by the code enforcement officer can ensure that construction does not take place within reserved areas.

A wide range of municipal features can be protected - The Municipalities Planning Code (MPC) allows an extensive array of features to be included on the official map. In addition to streets and parks, the map can include bikeways, pedestrian paths, floodplains, stormwater management areas, public facilities, and historic sites. The MPC allows the map to include appropriate elements of the adopted comprehensive plan with regard to public lands and facilities. This provides for an almost unlimited use of the official map if it is consistent with the comprehensive plan recommendations. (See Section 3 for a more extensive discussion of features to include on the official map.)

Important lands can be reserved without immediate purchase - The official map allows the municipality to reserve private land for future facilities without immediate purchase. When the owner submits a plan for development or subdivision, the municipality or other public entity has one year in which to acquire the property or begin condemnation proceedings for acquisition. The municipality can plan ahead before this occurs by setting aside funds for the eventual purchase of the identified areas. A capital improvements plan is one of the best methods to save for these and other major municipal purchases. Pursuing state and county grants is another potential funding method if the timing can be coordinated. (See Section 5)

Provides support for funding requests - When a municipality is applying for grants or other funding, the official map could provide an advantage. Including specific features on the map indicates a commitment on the part of the municipality to purchase the land and/or make improvements. For example, when future parks or recreation facilities are shown on the official map, this demonstrates that the municipality has planned ahead for these improvements, and could be considered when grant applications are reviewed.

3. WHAT FEATURES CAN BE INCLUDED ON THE OFFICIAL MAP?

A wide variety of elements can be shown on the official map as long as they are consistent with the requirements of the Municipalities Planning Code (MPC). Section 401 of the MPC closely links the elements of the official map to the municipal comprehensive plan. (See Appendix A.) Because of this close relationship to the comprehensive plan, the municipality should first revisit their comprehensive plan to ensure that it is up-to-date and continues to reflect community goals and land use policies. If the plan is in need of updating, the comprehensive plan revision should be the first priority before undertaking the official map.

POTENTIAL FEATURES

The following list includes both features specifically identified in the MPC and additional features that would further a municipal planning program. These features and their importance for public preservation should be discussed in and supported by the municipal comprehensive plan or related planning document:

- ☐ Existing and proposed public streets, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings;
- ☐ Bikeway routes (both separate trails and those proposed along existing roads);
- ☐ Existing and proposed public parks, playgrounds, and open space reservations;
- ☐ Pedestrian ways and easements;
- ☐ Railroad and transit rights-of-way and easements (including those that may be vacated or abandoned and have potential use as trails);
- ☐ Stream valley corridors and other environmentally critical areas such as unique and scenic areas, or habitats of endangered species;
- ☐ Flood control basins, floodways, and floodplains, stormwater management areas, and drainage easements;
- ☐ Potential public well sites or groundwater resources areas;
- ☐ Historical and archaeologically significant areas;
- ☐ Sites planned for public facilities such as municipal buildings, police and fire stations, libraries, community centers, and schools;
- ☐ Support facilities, easements, and other properties held by public bodies undertaking the elements described in Section 301. (Section 301 of the MPC describes the elements to be included in a municipal comprehensive plan.)

FEATURES NOT TO INCLUDE

A word of caution is appropriate at this point. The features included on the official map should not be considered a "wish list" of those resource lands the municipality would theoretically like to preserve. Only those areas that the municipality is willing to purchase or acquire easements to should be shown on the official map. The need for the preservation of natural or cultural resources, rights-of-way, easements, or other features should be well documented in the comprehensive plan or a related study.

This caution particularly applies to those areas of private land designated for such uses as scenic areas or historical sites. Unless the municipality plans to purchase or obtain an easement when development is proposed in these areas, the features should not be included on the official map.

There are some features where a municipal purchase may not be necessary but which are appropriate to include on the map. Existing conservation easement areas or floodway areas which are protected through other mechanisms are examples of such areas. Another example is the street layouts which will eventually be built by a private developer and dedicated to the municipality.

4. USING THE OFFICIAL MAP IN LOCAL PLANNING PROGRAMS

Whether a municipality is targeting a specific area or implementing a municipal-wide plan, the official map provides an ideal mechanism for reaching these goals. Even if the official map begins on a limited scale, it can later be amended to include additional features. The examples described below provide several ideas for successfully using the official map for municipal planning.

Depending on the purpose of mapped features, the municipality should coordinate with other affected groups or agencies. For example, mapping of recreation facilities should be coordinated with the municipal park and recreation board. Where public facilities such as future school sites are being designated, the school board or other applicable public agency must be involved. In cases where features cross municipal borders, a joint mapping effort between the municipalities should be considered.

MUNICIPAL-WIDE OFFICIAL MAP

An official map which covers the entire municipality and includes a wide variety of current and future public features uses the official map to its full potential. East Caln Township is the only municipality in Chester County with an adopted municipal-wide official map as of May 1994. The map was originally adopted in 1988 and most recently updated in 1993. The current version of the map includes existing and proposed roadways (with rights-of-way and center lines), proposed open space preservation (primarily along stream corridors), and proposed park development (including mini-parks, neighborhood parks, and community parks). Ideally, the official map should also include existing park and recreation areas and other existing public or municipal facilities.

To preserve a future road connection, the East Caln Official Map designates a right-of-way for the extension of Bell Tavern Road to Route 113. This road currently terminates at the municipal building, just north of Route 30. The extension of Bell Tavern Road would provide a desired north-south connection through the Township. Designating this right-of-way on the official map helps to ensure that the future connection is not lost through unplanned and unexpected development.

LIMITED FEATURES MAP

By only mapping selected features, the official map can be used to implement planning programs on a more limited scale than the municipal-wide map described above. Many of the official maps adopted or proposed in the Delaware Valley region are designed to meet a specific goal, such as the preservation of a future road right-of-way. The programs described here can be included alone or in any combination on the official map.

☐ **Transportation Planning**

One of the most obvious uses of the official map is to further municipal transportation goals. Mapped land in this category might include:

Rights-of-way - Designating ultimate rights-of-way for roads is of particular importance in growing communities. This helps to ensure that the eventual width of the road and right-of-way will be consistent with the road function.

Designation of Future Roadways - Designating extensions of existing roads or stub streets, such as East Caln Township did with Bell Tavern Road, can ensure an efficient layout of future road connections. The reservation of land for important highway facilities should also be considered. West Whiteland adopted an official map in 1988 with the specific purpose of ensuring the preservation of the Exton Route 30 By-Pass right-of-way through the Township.

Extension of Street Pattern - Where a traditional street pattern already exists, such as in a borough or village, the municipality may want to ensure that this pattern is preserved by laying out future streets on the official map (See "Village and Borough Planning" below.)

Trail Designation - Both existing and proposed pedestrian, bike, and equestrian trails can be included on the official map. Bikeways along existing and future roads can also be designated. (See "Open Space and Recreation Planning" below.)

☐ **Open Space and Recreation Planning**

Many municipalities in Chester County have adopted open space and recreation plans over the past few years. Plans prepared using funds from the Chester County Heritage Park and Open Space Municipal Grant Program include recommendations for the protection of environmental resources. Implementation of these plans can be significantly advanced through the proper use of the official map:

Park and Recreational Facilities - Existing and proposed parks and recreational facilities should be mapped to ensure that, as land becomes available, the municipality has the first opportunity for acquisition. Pedestrian, bike, and equestrian trails should also be shown on the official map, including plans for bikeways along existing or future roads. Stream valley corridors and protected floodplain zones could be mapped to serve as greenways and interconnections between recreation areas.

Natural and Cultural Resources - The official map can also include natural or cultural features that the municipality desires to protect. Habitats of rare or endangered species (such as those identified in the Chester County Natural Areas Inventory), high quality streams, scenic views, and historical and archaeologically significant areas are all potential elements of the official map. These features should only be included when the municipality or other public organization has a serious interest in their acquisition. A relatively accurate mapping of these resources is also important. Other natural features, such as steep slopes and wetlands, that may be widely distributed throughout the municipality are better protected through natural resource protection standards in municipal ordinances.

☐ **Village and Borough Planning**

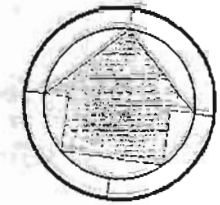
Two important considerations in village planning are the preservation of the open space surrounding the village and the designation and extension of the existing street network.²

Open Space - The open space surrounding a village is crucial in preserving the village edge or fringe, which differentiates the village from its surroundings. Once key open space areas are identified, an official map can be used to designate the open space, guide land development activities, and to initiate acquisition options should the property be sold. While the municipality itself may not wish to maintain large amounts of open space, conservancies or land trusts may be able to assist in this effort.

²See also the Chester County Planning Commission Publication, Village Planning Handbook: A Guide for Community Planning, Local Government Handbook #4, September 1993.

OFFICIAL MAP

OCTOBER 1992



LEGEND

PROPOSED ROADWAYS

- APPROXIMATE RIGHT-OF-WAY
- APPROXIMATE CENTER LINE
- PROPOSED OPEN SPACE PRESERVATION
- PROPOSED MINI PARK DEVELOPMENT
- PROPOSED NEIGHBORHOOD PARK DEVELOPMENT
- PROPOSED COMMUNITY PARK DEVELOPMENT

APPROVED AND ADOPED BY THE
BOARD OF SUPERVISORS OF EAST CALN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA

FOR _____ DAY OF _____ 1992.

BOARD OF SUPERVISORS

ATTEST: _____

SECRETARY

NOTES:

- ① THE RIGHT-OF-WAY LIMIT AND CENTER LINE DEPICTED ON THIS MAP REPRESENT AN APPROXIMATION OF THE ALIGNMENT OF STATE ROUTE 603D SECTION 803 R/W. SPECIFIC DETAILS ARE AVAILABLE FROM A SET OF ENGINEERED PLANS ENTITLED "COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRAWINGS ESTABLISHING LIMITED ACCESS HIGHWAY AND AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR STATE ROUTE 603D SECTION 803 R/W IN CHESTER COUNTY."

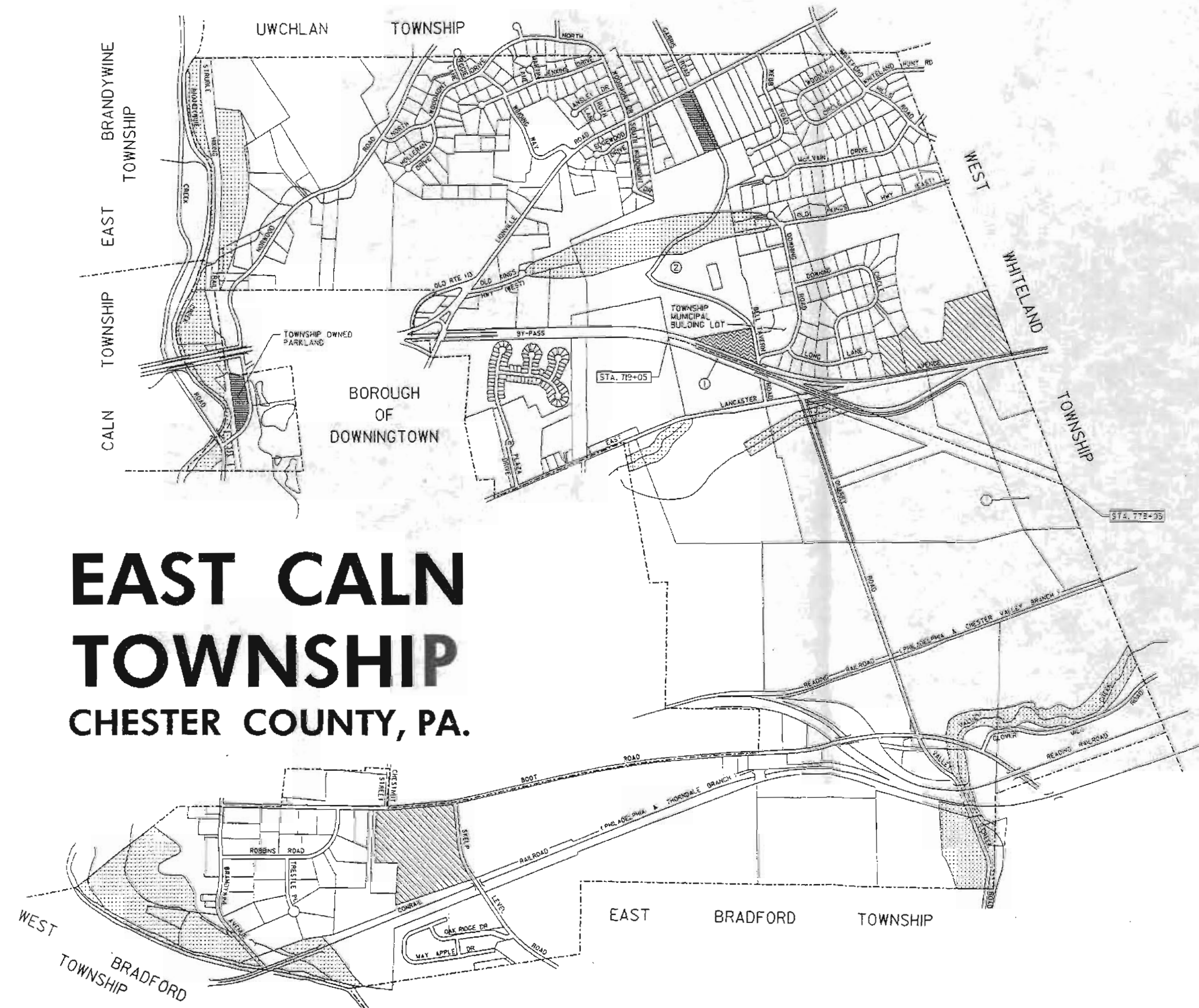
THESE PLANS WERE RECORDED WITH THE RECORDER OF DEEDS OFFICE OF CHESTER COUNTY ON DECEMBER 14, 1987. (SEE BOOK 78 PAGE 81)

- ② ROAD LOCATIONS DEPICTED ON THIS MAP IS APPROXIMATE BASED ON PLAN OF SUBDIVISION DATED APRIL 27, 1992 BY FITEPATRICK-PANNING CORPORATION. PERCEP. INFORMATION ON THIS MAP DOES NOT REFLECT MORE RECENT SUBDIVISION ACTIVITY.

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EAST CALN TOWNSHIP CHESTER COUNTY, PA.



Street Pattern - The expansion of a village or infill development within the village is significantly influenced by the street network. To create a street network that is consistent with the existing street pattern, the official map can be used to establish a network for the expansion of the streets and alleys to serve the village.

Planned expansion of the existing street network is also an important issue in borough planning. In most cases, boroughs have evolved in a grid street pattern with a regular system of blocks, streets, and alleys. Where significant areas of open land remain in the borough, this traditional street pattern should be extended into undeveloped areas on the official map.

☐ **Wellhead Protection**

The official map can be used as a mechanism to protect the areas surrounding potential public water supply³ well sites. The Centre Region Planning Commission (CRPC) in Centre County, Pennsylvania initiated a program in which it encouraged member municipalities to include these well sites on an official map. The CRPC considered the official map designation as one part of an overall approach to groundwater and wellhead protection. They also recommended the adoption of Groundwater Protection Districts and performance standards to prevent the degradation of water resources.

Where development is proposed within the potential well sites on the official map, a one-year time period is established in which water providers could drill test wells and determine if the well site had the potential to provide an adequate supply of potable water for public use. If the test drilling was favorable, the municipality could purchase or begin condemnation proceedings to acquire the site. The water provider could be assessed for the costs involved with site acquisition.

To initially designate the well sites on the official map, the CRPC recommended that municipalities use already published studies identifying potential high capacity well fields in the Greater State College region. The Chester County Water Resources Authority and the Chester County Health Department are sources of this type of information in Chester County. As a guideline for the extent of area to be mapped around well sites, the CRPC report recommended that two acres be reserved in areas planned for public sewer service and five acres be reserved in areas where the continued use of on-lot septic systems is planned.

(For additional information on wellhead protection, see the Chester County Planning Commission publication, An Introduction to Wellhead Protection for Chester County Municipalities, Planning Bulletin #43, November 1991.)

MULTI-MUNICIPAL COOPERATION

Where important lands cross municipal borders, regional cooperation can be incorporated into the official map. The intersection of two major highway corridors provided such an opportunity in Delaware County. Painter's Crossroads is located just south of the Chester County border at the intersection of U.S. Routes 1 and 202. Planning efforts surrounding this intersection demonstrate how two municipalities can cooperate on the development of an official map.

The eastern side of the crossroads is in Concord Township while the western side is in Birmingham Township. Because of the heavy volume of local and inter-state traffic in this area, a ring road system was recommended as a way to provide internal circulation for existing and future developments located within the four quadrants surrounding the intersection. The ring road would also alleviate traffic through the intersection by channeling traffic off of Routes 1 and 202.

³A public water system is defined in the Safe Drinking Water Act Amendments of 1986 as one which has 15 connections or serves 25 persons at least 60 days per year.

These findings were outlined in a report prepared by the Delaware Valley Regional Planning Commission in cooperation with a steering committee of Birmingham, Concord, and Thornbury Township, PennDOT, and local developers.⁴ The report recommended the official map as the best approach to identify the ring road corridor and to ensure that the land would be available in the future. Portions of the ring road were already in place and the proposed corridor built on these existing roadways.

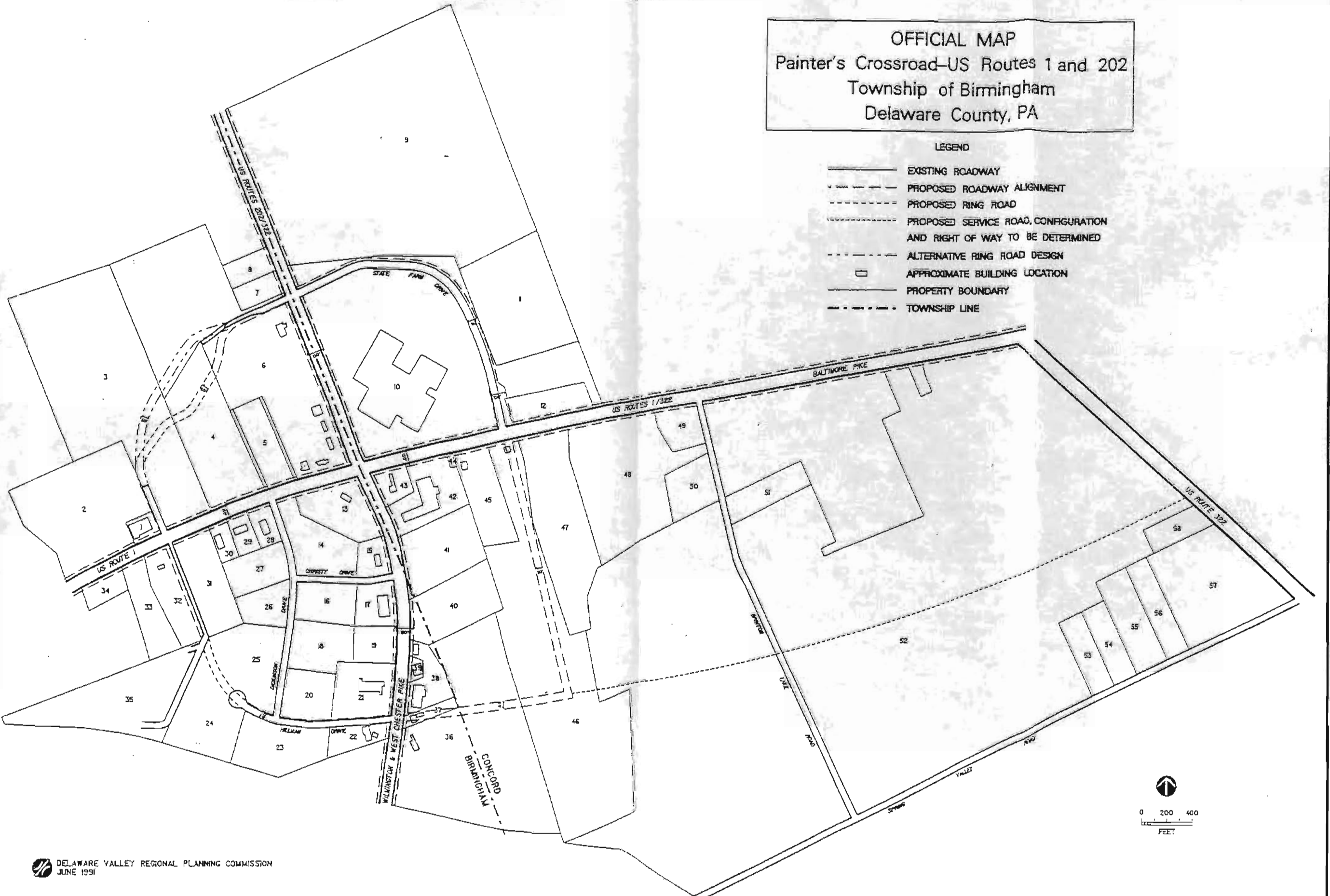
The report included both the proposed official map with the ring road configuration and draft ordinances to be adopted by Concord and Birmingham Townships. Following adoption of the official maps by both townships (they have not done so to date), additional issues such as access points to Routes 202 and 1, roadway alignments, circulation patterns, design criteria, and responsibility for construction and maintenance require further discussion between township officials and PennDOT.

⁴"Preparing the Official Map: Painter's Crossroads, Delaware County, Pennsylvania," Delaware Valley Regional Planning Commission, June 1991.

OFFICIAL MAP
Painter's Crossroad-US Routes 1 and 202
Township of Birmingham
Delaware County, PA

LEGEND

- EXISTING ROADWAY
- - - PROPOSED ROADWAY ALIGNMENT
- - - PROPOSED RING ROAD
- - - PROPOSED SERVICE ROAD, CONFIGURATION AND RIGHT OF WAY TO BE DETERMINED
- - - ALTERNATIVE RING ROAD DESIGN
- APPROXIMATE BUILDING LOCATION
- PROPERTY BOUNDARY
- - - TOWNSHIP LINE



5. LINKING THE OFFICIAL MAP WITH OTHER MUNICIPAL REQUIREMENTS

When an official map is adopted, land use ordinances should be amended to include cross-references to the official map and ordinance. This serves to alert developers to the official map prior to the siting of proposed roads or buildings. Several areas where ordinances should be linked to the official map are described below.

ZONING ORDINANCE

Setbacks from Rights-of-Way - The zoning ordinance can include a provision clearly stating that buildings are not permitted within the right-of-way of mapped streets or other designated features on the map. Buildings should be required to meet the minimum setbacks from the right-of-way of existing or proposed streets. Future rights-of-way could be incorporated into the zoning map to ensure consistency with the official map.

Consistency with Designated Street Pattern - Where a developer proposes a new street, it should only be permitted when consistent with the overall street pattern of the official map. The zoning ordinance should require that all lots abut the right-of-way of a public street as shown on the official map.

Variances - Exceptions or variances to the official map requirements should be dealt with in the official map ordinance.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Street Rights-of-Way and Layout - The subdivision and land development ordinance can require that the layout and rights-of-way of streets in proposed subdivisions conform to the official map. In developed areas, such as boroughs, this may constitute the entire road network if a grid pattern has been designated. In other areas, the official map may require a street widening where a principal street abuts or crosses the tract being subdivided. Future connections to abutting tracts may be required in the form of stub streets. Where only a portion of a tract is being subdivided, future streets and widenings should be indicated on the un-subdivided portion. This ensures that future subdivision and street layouts on the tract are consistent with an overall plan.

Plan Information - The plan information section of the ordinance should require that all subdivision and land development plans show any features within the site designated on the official map. This information should be included on the site improvements plan to ensure that all setbacks from designated features are being observed.

Future streets included on the official map must be surveyed and precise locations shown on the plan at the time of subdivision. Rights-of-way should be as designated on the official map, while the road construction and cross-sections of the streets should be as required in the subdivision ordinance.

Community Land or Facilities - Sites for parks or other community facilities shown on the official map should be reserved at the time of subdivision. The subdivision ordinance may require a certain percentage of land to be set aside by the developer for open space or recreation. Where such land is already designated on the official map, the land set aside by the developer should be consistent with the map. Where such land has not already been designated by the municipality, it should be added to the official map once the development plans have been finalized.

Where proposed subdivisions include sites designated for community facilities, such as police and fire stations, municipal buildings, libraries, community centers, or schools, the municipality should begin negotiations with the developer to purchase or obtain easements on the land. If this is not completed within the one year time frame established by the MPC, the land reverts back to the developer.

CAPITAL IMPROVEMENTS PLAN

A municipal capital improvements plan (CIP) can be linked to the official map. For high priority sites which the municipality would like to purchase, funding should be planned well in advance.

Because the capital improvements plan is an effective means for planning significant, long-range purchases, municipalities that do not have a CIP should consider doing so. The CIP enables a municipality to purchase high cost items that it could not normally afford to buy or construct in one year. A CIP usually has a six-year time frame. The first year includes items scheduled for immediate purchase and the next five years include other items scheduled on the basis of their priority.

The CIP should identify potential funding sources for various items. The availability of grants and low interest loans for planned items should be explored in advance along with an examination of current revenue sources.

6. STEP-BY-STEP GUIDE TO CREATING AND ADOPTING AN OFFICIAL MAP

Certain procedures should be followed to create, review, and adopt an official map and ordinance. The following steps provide a guide for the most efficient completion of the process:

STEP 1: DETERMINING THE PURPOSE

The governing body should determine whether the official map will serve a broad or specific purpose as described below:

- ☐ **Broad goals** - If the map is intended to achieve multiple planning goals, such as the East Caln Official Map described in the previous section, a municipal-wide mapping effort is called for. The municipal comprehensive plan, open space and recreation plan, and land use ordinances should be reviewed to determine how the official map can be used to support and implement these documents.
- ☐ **Specific goals** - If the map is designed to achieve a specific goal, such as an intersection improvement or wellhead protection, only a partial mapping of the municipality is necessary.

STEP 2: STARTING THE PROCESS

- ☐ **Establish Budget Item for the Official Map** - After the municipality has decided to use an official map, funds should be set aside in the budget for its completion. The primary expense will be for the consultant preparing the map. Printing of the map and ordinance will be an additional but relatively minor expense.
- ☐ **Assign Responsibility** - The governing body (board of supervisors, council, or board of commissioners) must first assign the responsibility of creating the official map. While the governing body can take this on themselves, they would most likely want to delegate the role to the planning commission or a special task force.
- ☐ **Review MPC Requirements** - The group assigned to create the official map should carefully review the provisions of Article IV of the Pennsylvania Municipalities Planning Code and the information contained in this Planning Bulletin to fully understand the implications of adopting the official map. (See Appendix A)

STEP 3: DETERMINING THE FEATURES TO BE MAPPED

- ☐ **Municipal-wide Map** - The features to be mapped will depend on the purpose of the map. If a municipal-wide map with broad planning purposes is to be created, an extensive list of features will be included on the map. Sections 3 and 4 of this Planning Bulletin describe the wide range of features that should be considered for inclusion on the map.

The municipal plans and ordinances should be reviewed for ideas and locations of the specific features to be included to best achieve planning goals. According to MPC requirements, mapped features must be consistent with the municipal comprehensive plan. The minimum features to be placed on a municipal-wide official map should include the following:

- Existing and proposed public streets, including ultimate rights-of-way;
- Existing and proposed public parks, playgrounds, and open space reservations;

- Existing and proposed public facilities, such as municipal buildings, libraries, and water and sewage treatment facilities;
- Existing and proposed public easements and rights-of-way (including potential trail corridors);
- Watercourses, floodways, floodplains, and stormwater or drainage easements.

- ☐ **Partial Mapping** - Where a specific element is to be preserved, the location(s) of this feature should be determined.

STEP 4: CREATE THE DRAFT OFFICIAL MAP

- ☐ **Retain Mapping Consultant** - The municipality should retain a consultant to produce the official map. While the map does not require precise surveying, accurate mapping of the features is desirable. An engineer, surveyor, or planning consultant is capable of producing such a map.

The base map used should include up-to-date parcel and road information. The features to be mapped may be located using property records, aerial photography, photogrammetric mapping, or other sources and methods that sufficiently describe and identify the map components.

STEP 5: CREATE THE DRAFT OFFICIAL MAP ORDINANCE

The official map must be accompanied by a written ordinance describing the map and its purpose. The length and contents of the ordinance will partially depend on the complexity of the official map.

- ☐ **Municipal-wide Ordinance** - A municipal-wide official map requires a more detailed ordinance to justify the many features shown on the map. The ordinance should describe the purpose of the official map, define the categories depicted on the map, and how the map is to be applied. The provisions of the Municipalities Planning Code in regard to time limitations and effect of the official map should be included. (See Appendix C)
- ☐ **Specific Ordinance** - For a map that designates only one feature, a fairly short and simple ordinance is sufficient. (See Appendix B)

The planning commission or task force may wish to draft the ordinance themselves, using a model ordinance as a guide. A planning consultant could also be retained to assist with developing the ordinance.

STEP 6: REVIEW DRAFT MAP AND ORDINANCE

- ☐ **Internal Review** - After the initial draft has been completed, the ordinance and map should be carefully reviewed by the municipality for possible errors or omissions. The municipality may want their solicitor to review the draft ordinance. The features on the map should be double-checked for relative accuracy and to ensure that important features were not overlooked. The ordinance should be checked for consistency with the Municipalities Planning Code and municipal planning goals.
- ☐ **External Review** - Once the draft documents have been revised to the satisfaction of the municipality, the ordinance and map should be distributed for external review as required by the Municipalities Planning Code.
- The MPC indicates that the municipal planning commission must have 45 days to review the document; however, if they are the group that produced the document, this step may be unnecessary.

- The County Planning Commission and adjacent municipalities¹ must also be provided copies and allowed 45 days for review before any action is taken.
- If requested by the governing body or planning commission, local authorities, park boards, and similar public bodies should also be given the opportunity to comment on the proposed official map.

STEP 7: PUBLIC INPUT

Following proper public notice² a public hearing must be held by the governing body before voting on enactment of the map and ordinance.

STEP 8: ADOPT ORDINANCE

If no changes result from the public hearing, the governing body may proceed with the adoption of the official map. If substantial changes are made, such as major additions or deletions of mapped features, another public hearing should be held prior to adoption.

STEP 9: DISTRIBUTE AND RECORD OFFICIAL MAP

- ☐ ***Affected Municipalities*** - Within 30 days after adoption, a copy of the official map and ordinance must be sent to the adjacent municipalities which were initially required to receive draft copies for review.
- ☐ ***Recorder of Deeds*** - Within 60 days of the effective date of adoption, a copy of the official map and ordinance must be submitted to and recorded by the County Recorder of Deeds.

STEP 10: AMEND ORDINANCES TO INCLUDE REFERENCES TO OFFICIAL MAP

Cross-references to the official map should be placed into the zoning ordinance and subdivision and land development ordinance (see "Linking the Official Map with Other Municipal Requirements") Ideally, these revisions can be worked on concurrently with the draft official map and adopted within the same timeframe. Otherwise, the changes should be enacted as soon as possible following the adoption of the official map.

STEP 11: INCORPORATE THE OFFICIAL MAP INTO THE REVIEW PROCESS

- ☐ ***Subdivisions and Land Developments Applications*** - Once adopted, the official map should become a part of the standard review procedure when development plans are submitted. The official map should be consulted to determine if designated features are located within proposed subdivision and land developments.
- ☐ ***Building Permits*** - The code enforcement officer should consult the official map prior to issuing building permits to ensure that proposed construction does not encroach on mapped features.

¹Technically, a copy for review only needs to be sent to adjacent municipalities where streets or public lands lead into those municipalities. It is recommended that all adjacent municipalities be provided the opportunity to review the proposed official map.

²The MPC defines public notice as "notice published each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and places of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing."

FUTURE AMENDMENTS

Any amendments proposed after the enactment of the official map must follow the same review and adoption procedure as outlined above. However, as stated in Section 403 of the MPC, properly approved and recorded subdivision and land development plans are automatically considered amendments to the official map and do not require a separate public hearing.

SOURCES OF INFORMATION

1. Circulation Handbook, Chester County Planning Commission, draft, 1993.
2. Guiding Growth: Building Better Communities and Protecting Our Countryside, Pennsylvania Environmental Council, p. A-12 1991.
3. "The Official Map," Planning Tomorrow Today, Chester County Planning Commission Newsletter, Spring 1993.
4. Official Map Ordinance, East Caln Township, Zoning Review File #1794, December 1992.
5. "The Official Mapped Streets Ordinance: A Powerful Zoning and Subdivision Tool," The Zoning Report, Vol. 7, No. 1, January 27, 1989.
6. Pennsylvania Municipalities Planning Code: Act 247, Article IV, 1968, as amended.
7. Preparing the Official Map: Painter's Crossroads, Delaware County, Pennsylvania, Delaware Valley Regional Planning Commission, June 1991.
8. "Use of Groundwater Protection District for the Long-Term Protection of the Region's Groundwater Resources" and "Use of the Official Map for the Short-term Protection of Potential Well Sites," Reports by Centre Region Planning Commission on the use of the Official Map as a mechanism to provide the Region's water providers access to potential well sites in the short-term, 1990.
9. Village Planning Handbook, Chester County Planning Commission, September 1993.

APPENDIX A

MUNICIPALITIES PLANNING CODE REQUIREMENTS

Before beginning work on the official map, the municipality should be familiar with the legislation enabling its use. The provisions governing the development and adoption of an official map are located in Article IV of the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended. The complete text of the Article is reproduced in this Appendix.

Since 1988, several revisions have been made to the official map provisions in the MPC which make it easier for a municipality to create an official map.

Descriptions of recent legislative changes are located in boxes in the related section.

ARTICLE IV OFFICIAL MAP

Section 401. Grant of Power

- (a) The governing body of each municipality shall have the power to make or cause to be made an official map of all or a portion of the municipality which may show appropriate elements or portions of elements of the comprehensive plan adopted pursuant to Section 302 (*"Adoption of Comprehensive Plan and Amendments"*) with regard to public lands and facilities, and which may include, but need not be limited to:
- (1) Existing and proposed public streets, watercourses and public grounds, including widening, narrowing, extensions, diminutions openings or closing of same.
 - (2) Existing and proposed public parks, playgrounds and open space reservations.
 - (3) Pedestrian ways and easements.
 - (4) Railroad and transit rights-of-way and easements.
 - (5) Flood control basins, floodways and flood plains, stormwater management areas and drainage easements.
 - (6) Support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 (*"Preparation of Comprehensive Plan"*).

Expanded Features - Prior to 1988, the MPC included a limited listing of features that could be included on the official map. Now, in addition to streets, watercourses, and public grounds, the MPC specifically indicates that existing and proposed public parks, playgrounds, open space reservations, pedestrian ways and easements, floodways, drainage easements, and many other features may be included on the official map.

Partial Mapping Permitted - Another important revision allows for the partial mapping of the municipality. This change was made in the expectation that reduced costs of mapping would encourage more communities to use the official map. (Section 401.a)

- (b) For the purposes of taking action under this section, the governing body or its authorized designee may make or cause to be made surveys and maps to identify, for the regulatory purposes of this article, the location of property, trafficway alignment or utility easement by use of property records, aerial photography, photogrammetric mapping or other method sufficient for identification, description and publications of the map components. For acquisition of lands and easements, boundary descriptions by metes and bonds shall be made and sealed by a licensed surveyor.

Surveying not Required - The single most important change in the official map legislation is that surveying is no longer required to initially create the map. Other methods, including property records and aerial photography, are now acceptable sources for the mapping. A metes and bounds description by a licensed surveyor is only needed when acquisition of the land or easement is undertaken by the municipality. (Section 401.b)

Section 402. Adoption of the Official Map and Amendments Thereto

- (a) Prior to the adoption of the official map or part thereof, or any amendments to the official map, the governing body shall refer the proposed official map, or part thereof or amendment thereto, with an accompanying ordinance describing the proposed map, to the planning agency for review. The planning agency shall report its recommendations on said proposed official map and accompanying ordinance, part thereof, or amendment thereto within 45 days unless an extension of time shall be agreed to by the governing body. If, however, the planning agency fails to act within 45 days, the governing body may proceed without its recommendations.
- (b) The county and adjacent municipalities may offer comments and recommendations during said 45-day review period in accordance with Section 408. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the governing body or planning agency if requested by same during said 45-day review period. Before voting on the enactment of the proposed ordinance and official map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice.
- (c) Following adoption of the ordinance and official map, or part thereof or amendment thereto, a copy of same, verified by the governing body, shall be submitted to the recorder of deeds of the county in which the municipality is located and shall be recorded within 60 days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by the municipality enacting the ordinance or amendment and shall be in the amount prescribed by law for the recording of ordinances by the recorder of deeds.

Recording of Map Required - The requirement that the official map be recorded at the County Recorder of Deeds is new since 1988. The revision was designed to ensure adequate public and legal notice of the official map and its effects on local property owners. (Section 402.c)

Section 403. Effect of Approved Plats on Official Map

After adoption of the official map, or part thereof, all streets, watercourses and public grounds and the elements listed in Section 401 on final, recorded plats which have been approved as provided by this act shall be deemed amendments to the official map. Notwithstanding any of the other terms of this article, no public hearing need 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 as provided by this act.

Section 404. Effect of Official Map on Mapped Streets, Watercourses and Public Grounds

The adoption of any street, street lines or other public lands pursuant to this article as part 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 municipality to improve or maintain any such street or land. The adoption of proposed watercourses or 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 municipality.

Section 405. Buildings in Mapped Streets, Watercourses or Other Public Grounds

For the purpose of preserving the integrity of the official map of the municipality, no permit shall be issued for any building within the lines of any street, watercourse or 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, watercourse or public ground after the same shall have been included in the official map, and any such building or improvement shall be removed at the expense of the owner.

However, when the property of which the reserved location forms a part, cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a special encroachment permit to build. Before granting any special encroachment permit authorized in this section, the governing body may submit the application for a special encroachment permit to the local planning agency and allow the planning agency 30 days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard.

A refusal by the governing body to grant the special encroachment permit applied for may be appealed by the applicant to the zoning hearing board in the same manner, and within the same time limitation, as is provided in Article IX.

Inconsistency Noted: The last sentence in Section 405 represents an inconsistency in the MPC. The Article referred to, specifically Section 909.1(b)(7), indicates that the appeal is made to the governing body, while Section 405 indicates that the appeal is made to the zoning hearing board. Unfortunately, House Bill 869 which was designed to correct this and other inconsistencies, has been stalled in committee and is not expected to be acted upon in the near future.

Section 406. Time Limitations or Reservations for Future Taking

The governing body may fix the time for which streets, watercourse and public grounds on the official map shall be deemed reserved for future taking or acquisition for public use. However, the reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the governing body announcing his 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 governing body shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.

Section 407. Release of Damage Claims or Compensation

The governing body may designate any of its agencies to negotiate with the owner of land under the following circumstances:

- (1) whereon reservations are made;
- (2) whereon releases of claims for damages or compensation for such reservations are required; or
- (3) whereon agreements indemnifying the governing body from claims by others may be required.

Any releases or agreements, when properly executed by the governing body and the owner and recorded, shall be binding upon any successor in title.

Section 408. Notice to Other Municipalities

- (a) When any county has adopted an official map in accordance with the terms of this article, a certified copy of the map and the ordinances adopting it shall be sent to every municipality within said county. All amendments shall be sent to the aforementioned municipalities. The powers of the governing bodies of counties to adopt, amend and repeal official maps shall be limited to land and watercourses in those municipalities wholly or partly within the county which have no official map in effect at the time an official map is introduced before the governing body of the county, and until the municipal official map is in effect.

The adoption of an official map by any municipality, other than a county, whose land or watercourses are subject to county official mapping, shall act as a repeal protanto of the county official map within the municipality adopting such ordinance. Notwithstanding any of the other terms or conditions of this section the county official map shall govern as to county streets and public grounds, facilities and improvements, even though such streets or public grounds, facilities and improvements are located in a municipality which has adopted an official map.

- (b) When a municipality proposes to adopt an official map, or any amendment thereto, a copy of the map and the proposed ordinance adopting it, or any amendment thereto, shall be forwarded for review to the county planning agency, or if no such agency exists to the governing body of the county at the same time it is submitted for review to the municipal planning agency. The comments of the county planning agency shall be made to the governing body of the municipality within 45 days, and the proposed action shall not be taken until such comments are received. If, however, the planning agency fails to act within 45 days, the governing body may proceed without its comments.
- (c) Additionally, if any municipality proposes to adopt an official map, or amendment thereto, that shows any street or public lands intended to lead into any adjacent municipality a copy of said official map or amendment

shall be forwarded to such adjacent municipality for review and comment by the governing body and planning agency of the adjacent municipality.

The comments of the adjacent municipality shall be made to the governing body of the municipality proposing the adoption within 45 days, and the proposed action shall not be taken until such comments are received. If, however, the adjacent municipality fails to act within 45 days, the governing body of the proposing municipality may proceed without its comments.

When a municipality adopts an official map, a certified copy of the map, the ordinance adopting it and any amendments shall be forwarded, within 30 days after adopting, to the county planning agency or, in counties where no planning agency exists, to the governing body of the county in which the municipality is located. Additionally, if any municipality adopts an official map, or amendment thereto, that shows any street or public lands intended to lead into any adjacent municipality, a certified copy of said official map or amendment shall be forwarded to such adjacent municipality.

APPENDIX B

ORDINANCE EXAMPLE: SHORT VERSION

SOURCE: *"Preparing the Official Map: Painter's Crossroads, Delaware County, PA," Delaware Valley Regional Planning Commission, June 1991.* This draft ordinance was provided as a model to Birmingham and Concord Townships (Delaware County) to facilitate the creation of a ring road around the Painter's Crossroads intersection. (See p. 10) The ordinance can be easily modified to include a broad range of features.

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF BIRMINGHAM
DELAWARE COUNTY, PENNSYLVANIA
ESTABLISHING AND ADOPTING THE "OFFICIAL MAP" OF
PAINTER'S CROSSROADS-US ROUTES 1 AND 202

WHEREAS, the Township of Birmingham is a second class township of the Commonwealth of Pennsylvania;
and

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988), grants Pennsylvania municipalities the power to adopt an official map for a portion of the municipality insofar as it is based on an adopted comprehensive plan; and

WHEREAS, the official map may include but is not limited to existing and proposed public street widenings, narrowings, openings and closings; existing and proposed public parks and open space reservations; and pedestrian ways and easements; and

WHEREAS, Painter's Crossroads, located at the intersection of US Routes 1 and 202 in Concord and Birmingham Townships, Delaware County, Pennsylvania, has been identified as an area where adoption of an official map would facilitate upgrading and constructing portions of the Painter's Crossroads' ring road which will provide access to developed sites and minimize the impact of local traffic on the arterial system; and

WHEREAS, the ring road concept is consistent with the township's comprehensive plan; and

WHEREAS, the Board of Supervisors of Birmingham Township have reviewed the official map and desire to adopt same as the Official Map of the Township of Birmingham.

NOW, THEREFORE, be it ordained and enacted as follows:

1. The TOWNSHIP hereby adopts as the Official Map of the Township of Birmingham, Delaware County, Pennsylvania, the Official Map Painter's Crossroads-US Routes 1 and 202 prepared by the Delaware Valley Regional Planning Commission dated June, 1991 and all attachments.

2. Birmingham Township's official map of Painter's Crossroads will include all roadways, properties and proposed roadways located in Birmingham Township, Delaware County, Pennsylvania.

3. The properties depicted as proposed Township property shall be reserved for future taking or acquisition for public use in perpetuity until actually acquired by the Township.

4. The Township may initiate surveys of property locations for the purposes of taking action.

5. Whenever lands and easements are to be acquired pursuant to the official map, boundary descriptions by metes and bounds descriptions shall be made by a licensed surveyor.

6. The township directs that under adoption of the ordinance, a copy of the Official Map of Painter's Crossroads, verified by the Board of Supervisors, shall be submitted to the Recorder of Deeds of the County of Delaware to be recorded within sixty (60) days of the effective date hereof.

7. This Ordinance shall become effective in accordance with the provision of the Second Class Township Code of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this day of , 1991.

**BOARD OF SUPERVISORS
OF BIRMINGHAM**

APPENDIX C

ORDINANCE EXAMPLE: LONG VERSION

SOURCE: *Official Map Model Ordinance, Centre Region Planning Commission, Centre County PA, 1990.* This draft ordinance was provided to municipalities within the region as a model to be modified for adoption. Although the primary goal was the protection of potential public well sites, the draft ordinance applies to a wide range of features and includes the specific MPC provisions relating to official maps. (See page 9 for further information.)

ORDINANCE NO. ____

AN ORDINANCE PROVIDING, REGULATING, AND DETERMINING: THE MAPPING AND RESERVATION OF LAND FOR FUTURE PUBLIC STREETS, WATERCOURSES, AND PUBLIC GROUNDS INCLUDING WELL SITE LOCATIONS; THE RESTRICTION OF BUILDING WITHIN MAPPED AREAS; AND PROVIDING FOR THE ADOPTION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE.

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code (Act 170), as amended, empowers the ("Township" or "Borough") to enact an official map and to provide for its administration, enforcement, and amendment, and

WHEREAS, the ("Board of Supervisors" or "Council"), deems it necessary, for the purpose of promoting the health, safety, and general welfare of the ("Township" or "Borough") to enact such an ordinance, and

WHEREAS, the ("Board of Supervisors" or "Council"), pursuant to the provisions of Article II of the Pennsylvania Municipalities Planning Code, as amended, has appointed a Planning Commission to plan for the future development of the ("Township" or "Borough"), and

WHEREAS, the Planning Commission has assessed present problems and future desires relating to transportation, park and open space needs, the protection and enhancement of water resources, and sites for schools, utilities, and other public facilities, and

WHEREAS, the Planning Commission has prepared and recommended to the ("Board of Supervisors" or "Council") an Official Map Ordinance, consisting of a text and map, to reserve land for these needs, and

WHEREAS, the ("Board of Supervisors" or "Council") has given due public notice of hearings on the proposed Ordinance and has held such public hearings, and

WHEREAS, all requirements of Article IV of the Pennsylvania Municipalities Planning Code, as amended, have been met with regard to the preparation of the report of the Planning Commission and subsequent action of the ("Board of Supervisors" or "Council"),

NOW, THEREFORE BE IT ORDAINED, by the ("Board of Supervisors" or "Council") of the ("Township" or "Borough") of _____, Centre County, Pennsylvania, as follows:

SECTION 1. GENERAL PROVISIONS

1.1 Short Title

This Ordinance shall be known, and may be cited, as the "(municipality)" Official Map."

1.2 Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, "The Pennsylvania Municipalities Planning Code, " Act 170 of 1988, December 21, P.L. No. 170 as amended.

1.3 Purpose

This Ordinance is enacted for the purpose of serving and promoting the public health, safety, convenience, and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to protect and enhance water resources; and, to facilitate the subdivision of land and the use of land and watercourses.

1.4 Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the Ordinance than the one so declared.

SECTION 2. ESTABLISHMENT OF CONTROLS

2.1 Provisions of the Official Map

The Official Map, as enacted, and subsequently amended, shall identify the location of the lines of existing and proposed public streets, well sites, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings.

2.1.1. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping or other method sufficient for the identification, description and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor.

2.1.2. The governing body, by amending ordinances, may make additions or modifications to the official map or part thereof by following the provisions included in 2.1.1. above and may also vacate any existing or proposed public street, water course or public ground contained in the Official Map, or part thereof.

- 2.1.3. Unless otherwise specified, all proposed public street rights-of-way and widenings of existing public street rights-of-way shall meet the width requirements specified in the "(municipality) Subdivision Regulations" for the street classification so designated.

2.2 Incorporation of the Official Map

The Official Map, including all notations, references, and other data shown thereon, is hereby incorporated by reference into this Ordinance as if it were fully described herein.

2.2.1 Certification of the Official Map

The Official Map shall be identified by the signatures of the ("Township" or "Borough") ("Board of Supervisors" or "Council"), attested by the ("Township" or "Borough") Secretary, under the following words: "This is to certify that this is the Official Map of the ("Township" or "Borough") of _____ referred to in Section 2 of Ordinance No. _____ of the ("Township" or "Borough") of _____, Centre County, Pennsylvania, together with the date of enactment of this Ordinance. The Map shall be kept on file with the Municipal Manager.

- 2.2.2 The Official Map and Official Map Ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and Official Map Ordinance of the "Township" or "Borough" of _____, Centre County, Pennsylvania is recorded in the Centre County Recorder of Deeds Office.

2.2.3 Changes in the Official Map

If, in accordance with the provisions of this Ordinance, changes are made to the location of lines designating existing or proposed public streets, watercourses, or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans as specified in Section 4.2 below, shall be certified by initialing of the Map by the ("Chairman" or "President") of ("Board of Supervisors" or "Council") together with the amending ordinance number and date of enactment.

2.3 Relationship With County Official Map

The adoption of an Official Map by the County shall not affect the Official Map of (municipality), except that the County Official Map shall govern as to county streets and public grounds, facilities and improvements of the County in accordance with the Pennsylvania Municipalities Planning Code.

2.4 Relationship With Adjacent Municipalities

If the Official Map, or amendment thereto, shows any street intended to lead into any adjacent municipality, a certified copy of the Official Map, or amendment thereto, shall be forwarded to such adjacent municipality.

SECTION 3. EFFECTS OF CONTROLS

3.1 Construction Within Mapped Streets, Watercourses, or Public Grounds

For the purpose of preserving the integrity of the Official Map of the municipality, no permit shall be issued for any building within the lines of any street, watercourse, or 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, watercourse, or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved location forms a part cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the governing body for the grant of a special encroachment permit to so build. Before granting any special encroachment permit authorized in this section, the governing body may submit the application for a special encroachment permit to the local planning agency and allow the planning agency 30 days for review and comment and shall give public notice and hold a public hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the governing body to grant the special encroachment permit applied for may be appealed by the applicant to the zoning hearing board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code in accordance with Section 5 of this Ordinance.

3.1.1 The governing body of ("Township" or "Borough") of _____ may fix the time for which streets, watercourses and public grounds on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds shall lapse and become void one year after an owner of such property has submitted a written notice to the governing body announcing his 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 governing body shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.

3.1.2 The adoption of any street, street lines, or other public lands as part 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 municipality to improve or maintain any such street or land. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or a acceptance of any land by the municipality.

3.2 Release of Damage Claims or Compensation

The governing body may designate any of its agencies to negotiate with the owner of land whereon reservations are made, releases of claims for damages or compensation for such reservations are required, or agreements indemnifying the governing body from such claims by others may be required. Any releases or agreements when properly executed by the governing body and the owner, and recorded, shall be binding upon any successor in title.

SECTION 4. ADOPTION AND AMENDMENT

4.1 Procedure

Prior to the adoption of the Official Map or part thereof, or any amendments to the Official Map, the governing body shall refer the proposed Official Map, or part thereof or amendment thereto, with an accompanying ordinance describing the proposed map, to the municipal planning commission, Centre Regional Planning Commission and Centre County Planning Commission for review. The planning commissions shall report their recommendations on said proposed Official Map and accompanying ordinance, part thereof, or amendment thereto within 45 days unless an extension of time shall be agreed to by the governing body. If, however, the planning agency fails to act within 45 days, the governing body may proceed without its recommendations.

The County and adjacent municipalities may offer comments and recommendations during said 45-day review period in accordance with Section 408 of the Municipalities Planning Code. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the governing body or planning agency if requested by same during said 45-day review period. Before voting on the enactment of the proposed ordinance and Official Map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice.

Following adoption of the ordinance and Official Map, or part thereof or amendment thereto, a copy of same, verified by the governing body, shall be submitted to the recorder of deeds of the county in which the municipality is located and shall be recorded within 60 days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by the municipality enacting the ordinance or amendment and shall be in the amount prescribed by law for the recording of ordinances by the Recorder of Deeds.

4.2 Effect of Approved Plans on Official Map

After adoption of the Official Map, or part thereof, all streets, watercourses, and public grounds and the elements listed in Section 401 of the Municipalities Planning Code on final, recorded plats which have been approved as provided by this act shall be deemed amendments to the Official Map. Notwithstanding any of the other terms of this article, no public hearing need 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 as provided by this act.

SECTION 5. VIOLATIONS, PENALTIES AND APPEALS

5.1 Notice of Violation

Whenever any person, partnership, or corporation shall have violated the terms of this Ordinance, the Municipal Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager, or other person responsible for the property or the violation, directing him to comply with all the terms of this Ordinance within seven (7) days, or such additional period, not to exceed thirty (30) days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, the municipality may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply.

- 5.1.1 Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by person service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

5.2 Penalties for Failure to Comply

Any person or partnership or corporation who fails to comply with this Ordinance within the period stated in the notice of the Manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty of not more than three hundred dollars (\$300.00). Each and every day of continued violation shall constitute a separate violation.

- 5.2.1 In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Manager, the municipality may take any actions necessary to correct the violation. The costs for correction of any violation shall be in addition to any penalties for violations for failure to comply.

- 5.2.2 In addition to the fines for violations, costs, and penalties provided for by this Section, the municipality may institute proceedings in Courts of Equity to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, and act, conduct, business or use constituting a violation.

- 5.2.3 The cost for removal, fines, and penalties hereinabove mentioned may be entered by the municipality as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

5.3 Appeals

Any appeal from a decision or action of the governing body or of any officer or agency of the ("Borough" or "Township") in matters pertaining to this Ordinance shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 6

6.1 Language Interpretations

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- 6.1.1 Words used in the present tense include the future tense; the singular number includes the plural, and plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
- 6.1.2 The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- 6.1.3 The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

6.1.4 The words "shall" and "must" are mandatory the words "may" and "should" are permissive.

6.1.5 The words "used" or "occupied" included the words "intended, designed, maintained, or arranged to be used or occupied."

6.2 Definitions

Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

BOARD OF SUPERVISORS: the Board of Supervisors of the Township _____, County of Centre, Commonwealth of Pennsylvania.

BOROUGH: The Borough of State College, County of Centre, Commonwealth of Pennsylvania.

BUILDING: A structure, including any part thereof, having a roof and uses for the shelter or enclosure of persons or property.

COUNCIL: the Council of the (Borough of State College) (Township of College), County of Centre, Commonwealth of Pennsylvania.

COUNTY: the County of Centre, Commonwealth of Pennsylvania.

GOVERNING BODY: the (Board of Supervisors) (Borough Council), County of Centre, Commonwealth of Pennsylvania.

MUNICIPAL; MUNICIPALITY: (municipality), County of Centre, Commonwealth of Pennsylvania.

PUBLIC: owned, operated, or controlled by a government agency.

PUBLIC GROUNDS: (1) parks, playgrounds, and other public areas; and (2) sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.

PUBLIC NOTICE: notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing.

RIGHT-OF-WAY: a corridor of land set aside for use, in whole or in part, by a street.

STREET: a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians.

TOWNSHIP: the Township of _____, County of Centre, Commonwealth of Pennsylvania.

WATERCOURSES: a stream of surface water, including river, stream, creek, or run, whether or not intermittent.

SECTION 7. ENACTMENT

7.1 Repealer

All existing ordinances or parts of ordinances which are contrary to the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

7.2 Effective Date

This Ordinance shall become effective on (date).

PLANNING BULLETINS

Previous Issues

1. HIGHWAY PRIORITIES (June 1976)
2. TRAFFIC OPERATION PROGRAM TO INCREASE CAPACITY AND SAFETY (July 1976)
3. HOMEOWNERS ASSOCIATIONS (January 1979)
4. POPULATION PROJECTIONS 1980-2000 (August 1980)
5. CURRENT HOUSING ISSUES (January 1981)
6. SUBDIVISION ACTIVITY - 1980 (May 1981)
7. CENSUS OF POPULATION AND HOUSING - 1980 (December 1981)
8. SUBDIVISION ACTIVITY - 1981 (March 1982)
9. STORMWATER MANAGEMENT PRACTICES (September 1982)
10. ZERO LOT LINE HOUSING (September 1982)
11. CENSUS HIGHLIGHTS (January 1983)
12. ACT 247 ACTIVITY - 1982 (February 1983)
13. CENSUS - SEX AND AGE CHARACTERISTICS - 1980 (April 1983)
14. CENSUS - HOUSING HIGHLIGHTS - TENURE, RENT, VACANCY - 1980 (April 1983)
15. CENSUS - MINORITIES - 1980 (September 1983)
16. CENSUS - INCOME PROFILE - 1980 (September 1983)
17. CENSUS - TRANSPORTATION TO WORK AND PLACE OF WORK (March 1984)
18. SCHOOL CLOSINGS AND BUILDING RE-USE (August 1984)
19. CENSUS - OCCUPATION AND INDUSTRY (April 1984)
20. ACT 247 ACTIVITY - 1983 (March 1984)
21. CENSUS - EDUCATION PROFILE (December 1984)
22. ACCESSORY APARTMENTS IN SINGLE FAMILY HOMES: ISSUES AND REGULATIONS (May 1984)
23. HOUSING OPPORTUNITIES FOR THE ELDERLY (July 1984)
24. HOUSING AFFORDABILITY - CHESTER COUNTY 1983 (July 1984)
25. MIXED USE ZONING (October 1984)
26. HOUSING SUPPLY CHANGE 1970-80 (January 1985)
27. COMMUNITY LIVING ARRANGEMENTS (April 1985)
28. POPULATION PROJECTIONS 1990-2000 (December 1985)
29. SLIDING SCALE ZONING (January 1986)
30. BANNERS AND TEMPORARY SIGNS (January 1986)
31. CENSUS OF POPULATION - SINGLE PARENT AND SINGLE PERSON HOUSEHOLD - 1970-1980 TRENDS (November 1986)
32. ELDERLY - CHARACTERISTICS AND TRENDS (August 1987)
33. WETLANDS (August 1987)
34. MICROWAVE ANTENNAS (December 1987)
35. POPULATION PROJECTIONS - 1990-2010 (May 1988)
36. HOUSING TRENDS (December 1988)
37. (Revised) STREAM WATER QUALITY CLASSIFICATIONS (July 1991)
38. MPC ACT 170 AMENDMENTS, 1990 (March 1990)
39. HOUSING COSTS (September 1990)
40. SPRAY IRRIGATION (November 1990)
41. PLANNED RESIDENTIAL DEVELOPMENT (December 1990)
42. ON-LOT SEWAGE MANAGEMENT PROGRAMS (October 1991)
43. AN INTRODUCTION TO WELLHEAD PROTECTION FOR CHESTER COUNTY MUNICIPALITIES (November 1991)
44. HOUSING ALTERNATIVES FOR SPECIAL NEEDS GROUPS (January 1992)
45. POPULATION PROJECTIONS 1995-2020 (July 1992)
46. WATER CONSERVING LANDSCAPES - XERISCAPE (July 1993)
47. REGIONAL PLANNING & OTHER FORMS OF MULTI-MUNICIPAL COOPERATION (March 1994)

**CHESTER COUNTY PLANNING COMMISSION
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William H. Fulton, AICP	Assistant Director
Carol Stauffer	Project Planner
Polly Chalfant	Graphics

November 1994