

## **Chapter 14**

### **Official Map**

#### **Part 1 Official Map**

- §14-101. Title
- §14-102. Purpose
- §14-103. Definitions
- §14-104. Adoption of Official Map
- §14-105. Interpretation of Official Map
- §14-106. Time Limitations on Reservation for Future Takings
- §14-107. Release of Damage Claims or Compensation
- §14-108. Construction Within a Public Facility Reserved Area
- §14-109. Relocation or Elimination of a Road Identified as a Public Facility Reserved Area
- §14-110. Regulations
- §14-111. Intergovernmental Cooperation
- §14-112. Amendment of Official Map
- §14-113. Fees and Review Costs
- §14-114. Violations and Penalties
- §14-115. Appeals

#### **Exhibit 14-A Township Official Map**



## Part 1

### Official Map

#### §14-101. Title.

This Part shall be known and may be cited as the “Official Map Ordinance” and is adopted pursuant to Article IV of the Municipalities Planning Code, 53 P.S. §10401 *et seq.*, as amended.

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

#### §14-102. Purpose.

This Chapter is established for the following purposes:

- A. To serve and promote the public health, safety, welfare and convenience.
- B. To facilitate orderly development and the adequate provision of public streets and other public facilities.
- C. To improve traffic circulation.
- D. To provide for the recreational and open space needs of the Township and its residents.
- E. To protect and enhance water resources and sewer facilities.
- F. To facilitate the subdivision and development of land.
- G. To facilitate the use of land and watercourses.

(*Ord. 540, 7/2/2003, §1*)

#### §14-103. Definitions.<sup>1</sup>

For the purposes of this Chapter, the following terms shall have the meaning set forth below, unless a different meaning clearly appears from the context. Terms that are used in this Chapter but not specifically defined herein shall have the meanings set forth in §107 of the Municipalities Planning Code, 53 P.S. §10107, as amended.

*Comprehensive Plan*—the Comprehensive Plan of the Township adopted by the Board of Supervisors on February 14, 2001, through *Res. R-15-A of 2001*, as amended. [*Ord. 656*]

*MPC*—the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

*MTA*—the Moon Transportation Authority, a municipal authority established pursuant to the Municipality Authorities Act, 53 Pa.C.S.A. §5601 *et seq.*

*MTMA*—the Moon Township Municipal Authority, a municipal authority established pursuant to the Municipality Authorities Act, 53 Pa.C.S.A. §5601 *et seq.*

*Neighborhood Improvement District (NID)*—a limited geographic area within a municipality, in which a special assessment is levied on all designated property, other than tax exempt property, for the purpose of promoting the economic and

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<sup>1</sup>Editor’s Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

general welfare of the district and the municipality, pursuant to the Neighborhood Improvement District Act, 73 P.S. §831 *et seq.*, as amended. Such district shall be referred to generally as Neighborhood Improvement District (NID) and specifically as Business Improvement District (BID), Residential Improvement District (RID), Industrial Improvement District (BD), Institutional Improvement District (INID) or Mixed Use Improvement District (MID), depending on the type of district established.

*Official Map*—the Official Map of the Township as adopted by this Chapter, as amended. [Ord. 656]

*Public facility*—any existing or proposed public land and facility including, but not limited to:

(1) Public street, road, right-of-way, watercourse and public ground, including widenings, narrowings, extensions, diminutions, openings or closings of the same.

(2) Public park, playground, recreation field and open space reservation.

(3) Pedestrian way, trail, sidewalk and easement.

(4) Railroad and transit right-of-way and easement.

(5) Flood control basin, floodway and floodplain, stormwater management area and drainage easement.

(6) Water line, sewer line, pumping station and related facilities.

(7) Township and/or school district building, structure, athletic field and related facilities.

(8) Support facility, easement and other property held by public bodies undertaking the elements described in §301 of the MPC, 53 P.S. §10301.

(9) Any other land, property, facility, building and/or structure to be utilized for or related to a public purpose or authorized by Article IV of the MPC, 53 P.S. §§10401 *et seq.*

*Public facility reserved area*—an area reserved for a proposed or future public facility as designated on the Official Map.

*Public grounds*—includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

(3) Publicly owned or operated scenic and historic sites.

*Road*—a public street at its ultimate right-of-way width as shown on the Official Map.

*Road relocation report*—a report prepared at the sole expense of an applicant for a subdivision and/or land development under the Subdivision and Land Development Ordinance [Chapter 22], requesting the relocation or elimination of a road identified as a public facility reserved area on the Official Map as part of the proposed subdivision and/or land development.

*School District*—the Moon Area School District, a body corporate and politic

established pursuant to the Public School Code, 24 P.S. §1-101 *et seq.*

*Special encroachment permit*—a permit for construction in a public facility reserved area issued pursuant to the requirements and procedures of §14-108 hereof.

*TPAD*—a Transportation Partnership District created pursuant to the Transportation Partnership Act, 53 P.S. §1621 *et seq.*

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

#### **§14-104. Adoption of Official Map.**

1. The “Official Map” as attached hereto and incorporated herein at Exhibit 14-A of this Chapter is adopted as the Official Map of the Township pursuant to Article IV of the MPC, 53 P.S. §10401 *et seq.*, as amended. [*Ord. 656*]

2. The adoption of a public facility 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 by the Township, nor shall it obligate the Township to improve or maintain any such street, land or public facility.

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 599, 1/3/2006, §2; and by Ord. 656, 4/9/2015*)

#### **§14-105. Interpretation of Official Map.**

1. The following maps, charts and documents, incorporated herein by reference, shall be used as guides to interpreting the Official Map. Copies of these maps, charts and documents shall be available for public review at the Township Building.

A. The Final Report, Existing Conditions and Scenario #5 Analysis, dated September 15, 2000, by Trans Associates as amended and supplemented by letter from Trans Associates dated December 12, 2001.

B. Cherrington Parkway Extension Drawings prepared by Lennon Smith Souleret and dated February 2000.

C. Ewing Road and Cherrington Parkway Traffic Study prepared by Trans Associates and dated February 20, 2001.

D. Moon-Clinton Benefit Assessment Report dated prepared by Trans Associates and dated February 26, 2003.

2. Unless otherwise specified on the Official Map, where an existing road is located in a public facility reserved area, the centerline of the reserved road shall follow the centerline of the existing road.

3. Unless otherwise specified on the Official Map, all proposed roads and/or the widening of existing roads shown on the Official Map shall meet the right-of-way width requirements specified in the Subdivision and Land Development Ordinance [Chapter 22] for the road classification so designated.

(*Ord. 540, 7/2/2003, §1*)

#### **§14-106. Time Limitations on Reservation for Future Takings.**

The Board of Supervisors may fix the time for which public facilities on the Official Map shall be deemed reserved for future taking or acquisition for public use. However,

a reservation for public grounds shall lapse and become void 1 year after an owner of property subject to the reservation has submitted a written notice to the Board of Supervisors announcing his intentions to build, subdivide, or otherwise develop the subject property, or has made formal application for an official permit to build a building or structure for private use, unless the governing body shall have acquired the subject property or commenced condemnation proceedings to acquire the subject property before the end of such 1-year period.

(Ord. 540, 7/2/2003, §1)

**§14-107. Release of Damage Claims or Compensation.**

1. The Township Manager shall be responsible for negotiating with the owners of land under the following circumstances: [Ord. 656]

A. Whereon reservations are made.

B. Whereon releases of claims for damages or compensation for such reservations are required.

C. Whereon agreements indemnifying the Board of Supervisors from claims by others may be required.

2. Any releases or agreements, when properly executed by the Board of Supervisors and the owner and recorded with the Allegheny County Department of Real Estate, shall be binding upon any successor in title. [Ord. 656]

(Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015)

**§14-108. Construction Within a Public Facility Reserved Area.**

1. No permit shall be issued for any building in, over, or upon any public facility reserved area designated on the Official Map.

2. No curb cuts or other access shall be permitted on roads designated as limited access in either the Comprehensive Plan or the Official Map except in the location shown on the Official Map unless the curb cut or other access is approved by the Board of Supervisors pursuant to: the special encroachment permit provisions of this Section; the road relocation or elimination provisions of §14-109 hereof; or an amendment to the Official Map pursuant to §14-112 hereof.

3. No permit or other approval shall be issued by the Township for any development, construction or improvement activity within a public facility reserved area, unless a special encroachment permit is obtained pursuant to this Section. No person shall recover any damages for the taking for public use of any building, structure or improvements constructed within a public facility reserved area after the same shall have been included on the Official Map, and any such building, structure or improvement shall be removed at the expense of the owner of the subject property.

4. *Special Encroachment Permit.* When property subject to a public facility reserved area cannot yield a reasonable return to the owner unless a Township permit is granted, the owner of the subject property may apply to the Board of Supervisors for the grant of a special encroachment permit to build on the subject property.

A. *Application Procedure.*

(1) All applications for a special encroachment permit shall demonstrate compliance with the applicable criteria of this subsection and any other

applicable requirements of the Code. [*Ord. 656*]

(2) All applications for a special encroachment permit shall be submitted to the Planning Director, in the form prescribed from time to time by the Planning Director, along with the following information and documentation:

(a) Fourteen copies of the application for a special encroachment permit.

(b) Six full scale copies, 10 half scale copies with a minimum scale of 1 inch equals 200 feet and one electronic file of all plans, maps and drawings required for a preliminary land development application under the Subdivision and Land Development Ordinance [Chapter 22]. The electronic file shall be in a Township-compatible format.

(c) Four paper copies and one electronic copy of all reports required as part of a preliminary land development application under the Subdivision and Land Development Ordinance [Chapter 22]. The electronic file shall be in a Township-compatible format.

B. *Review Procedure.*

(1) A special encroachment permit application shall not be considered to be administratively complete until all items required by this Chapter, including the relevant application and filing fees, have been received by the Township. The Planning Director shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted, the Planning Director shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.

(2) Within 5 calendar days of receipt of an administratively complete application, the Planning Director shall submit one copy of the application to each of the following entities for review and comment: each member of the Planning Commission; the Township Engineer; the Environmental Advisory Council; the MTMA; and the MTA. At the Planning Commission's request, copies of the application may also be referred to any other appropriate review agencies.

(3) The Planning Commission shall review the application and forward its recommendation to the Board of Supervisors within 30 days of the date of the Planning Commission's receipt of the same.

(4) The Board of Supervisors shall hold a public hearing, pursuant to public notice, within 45 days of the date of filing of an administratively complete application. All parties in interest shall have an opportunity to be heard during this public hearing. The Board of Supervisors shall make a decision on the special encroachment permit application within 45 days of the last public hearing.

(5) The decision of the Board of Supervisors to approve a special encroachment permit shall be based upon a determination that:

(a) The property subject to a public facility reserved area cannot yield a reasonable return to the owner unless a Township permit is granted.

(b) The literal enforcement of §§14-108.1, .2 and .3 will exact undue hardship on the applicant because of peculiar conditions pertaining to the subject property.

(6) A refusal by the Board of Supervisors to grant a special encroachment permit may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitations, as is provided in Article IX of the MPC, 53 P.S. §10901 *et seq.*

C. The grant or issuance of a special encroachment permit shall not be in lieu of or replace any other permit or regulation of the Township and shall not excuse the applicant from compliance with any and all applicable regulations of the Code or any other Federal, State, County or Township ordinances, laws and regulations. [Ord. 656]

D. The grant or issuance of a special encroachment permit shall not in any way amend the Official Map or impact the designation of a public facility reserved area on the subject property. A property owner that obtains a special encroachment permit does so with the understanding of the Township's rights and interests in a public facility reserved area on the subject property. Any building or improvement constructed pursuant to the grant of a special encroachment permit must be removed at the expense of the owner upon the determination of the Board of Supervisors to exercise the Township's rights and interests in a public facility reserved area.

(Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015)

#### **§14-109. Relocation or Elimination of a Road Identified as a Public Facility Reserved Area.**

A road including, without limitation, rights-of-way or access points, identified as a public facility reserved area may be relocated or eliminated by any applicant on his or her property as part of an approved land development or subdivision plan under the Subdivision and Land Development Ordinance [Chapter 22], in accordance with the provisions of this Section.

A. If an applicant desires to relocate or eliminate a road identified as a public facility reserved area as part of a proposed subdivision and/or land development application filed pursuant to the Subdivision and Land Development Ordinance [Chapter 22], then the applicant shall prepare a Road Relocation Report containing an analysis showing that the relocation or elimination proposed on the subdivision or land development plan meets the following criteria, as appropriate:

(1) If relocation to another parcel is requested, the proposed location on another parcel along with an assignable binding option agreement for the purchase of the necessary land or interest required for the road.

(2) If elimination of the road is proposed, an analysis as to why the road is no longer needed.

(3) The applicant demonstrates that the relocated or eliminated road:

(a) Is as safe or safer in terms of vertical or horizontal alignment.

(b) Has as much or more capacity to carry vehicular traffic.

(c) Presents no extraordinary maintenance problems.



(d) Is substantially the same length or size.

(e) Functions equally well with the overall Township wide road network.

(f) Does not foreclose future road connections with adjoining properties and does not require the relocation of roads on adjoining properties.

(g) If constructed as part of a TPAD or NID improvement, that it is no more expensive to construct than the TPAD or NID improvement previously designated and that it is no more expensive to obtain the property or the right-of-way shown on the Official Map; provided, however, an applicant may propose to contribute funds equal to 110 percent of the increase in costs associated with the road relocation or elimination as determined by the Township Traffic Engineer and/or the Township Engineer, and after such contribution shall be deemed to have satisfied this requirement. Should the relocation or elimination request be approved, the contribution need not be made until the time the TPAD or NID improvement is constructed, provided that the applicant shall post financial security for the contribution as if it were an improvement in accordance with the requirements of the Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 656]

B. For relocations entirely within the applicant’s parcel, the relocation of a proposed road shall be accomplished by showing the new location of the road on the approved subdivision and land development plan with the following indenture included thereon duly signed by the Chairperson of the Board of Supervisors which shall state in substantially the form hereof:

The road described hereunder [*insert description*] is hereby substituted for the road shown on the Official Map of Moon Township recorded in the office of the Department of Real Estate of Allegheny County at \_\_\_\_\_ Book Volume \_\_\_\_\_ Page(s) \_\_\_\_\_ in so far as the same affects the property contained within this plan. Through the approval of this plan, the Official Map of Moon Township is amended consistent with the relocation of the above referenced road. [Ord. 656]

Township of Moon

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Chairperson, Board of Supervisors

C. For elimination of a road, a release of damage claim shall be recorded in the Department of Real Estate of Allegheny County in accordance with §407 of the MPC, 53 P.S. §10407. [Ord. 656]

D. *Review of the Road Relocation Report.*

(1) The Planning Commission shall review the Road Relocation Report and make its recommendations on the road relocation or elimination request to the Board of Supervisors at the same time as it makes a recommendation on the underlying subdivision and/or land development application.

(2) The Board of Supervisors shall act upon the road relocation or elimination request at the same time it acts on the underlying subdivision and/or land development application.

(3) In the event of a denial of a road relocation or elimination request by the Board of Supervisors, the underlying subdivision and/or land development application shall proceed in its normal course pursuant to the Subdivision and Land Development Ordinance [Chapter 22], and the MPC, 53 P.S. §10101 *et seq.*

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

#### **§14-110. Regulations.**

The Township Manager is hereby authorized and directed to adopt such written regulations that may be necessary for the administration and enforcement of this Chapter. Any regulations adopted by the Township Manager shall become effective upon approval of the Board of Supervisors through a duly adopted resolution.

(*Ord. 540, 7/2/2003, §1*)

#### **§14-111. Intergovernmental Cooperation.**

In order to coordinate the goals and objectives of this Chapter with the responsibilities of other governmental entities, the Township Manager is authorized to negotiate proposed intergovernmental cooperation agreements with such entities. All such proposed agreements shall be in a form acceptable to the Township Solicitor, and approved by the Township Police Chief if the same requires regulation by traffic control devices or enforcement by the police. Any such intergovernmental cooperation agreement shall only become effective upon enactment of an ordinance by the Board of Supervisors in accordance with §1507 of the Second Class Township Code, 53 P.S. §66507, as amended, and the Intergovernmental Cooperation Law, 53 Pa.C.S.A. §2301 *et seq.*, as amended.

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

#### **§14-112. Amendment of Official Map.**

1. *Amendment by Ordinance.*

A. Prior to the adoption of an ordinance amending this Chapter, the Board of Supervisors shall refer the proposed ordinance to the Planning Commission and the Allegheny County planning agency for review and comment. The Planning Commission and the Allegheny County planning agency shall report their recommendations on the proposed ordinance within 45 days of the date of the referral unless an extension of time is agreed to by the Board of Supervisors. If, however, either the Planning Commission or the Allegheny County planning agency fails to act within this 45-day period, then the Board of Supervisors may proceed without the recommendations.

B. If the Township proposes an amendment to the Official Map that shows any street or public lands intended to lead into any adjacent municipality, a copy of said 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 Board of

Supervisors 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 this 45-day period, then the Board of Supervisors may proceed without its comments.

C. Before voting on the enactment of a proposed ordinance amending this Chapter or the Official Map, the Board of Supervisors shall hold a public hearing pursuant to public notice, as required by the MPC, 53 P.S. §10101 *et seq.*

D. Following adoption of an ordinance amending this Part or the Official Map, a certified copy of the amending ordinance and any revised Official Map shall be filed with the following entities within the time period specified:

(1) A copy filed with the Allegheny County planning agency within 30 days of enactment.

(2) A copy filed with an adjacent municipality within 30 days of enactment if the amendment shows any street or public land intended to lead into that adjacent municipality.

(3) A copy recorded in the Department of Real Estate of Allegheny County within 60 days of enactment. [*Ord. 656*]

2. *Effect of Approved Plats on Official Map.*

A. After adoption of the Official Map, or an amendment thereto, all public facilities referenced on final, recorded plats which have been approved by the Board of Supervisors as provided in the MPC, 53 P.S. §10101 *et seq.*, and pursuant to the Subdivision and Land Development Ordinance [Chapter 22], shall be deemed amendments to the Official Map. No public hearing need be held or notice given if the amendment of the Official Map is a result of the addition of a plat which has been so approved. The Planning Director shall be responsible for tracking all amendments of the Official Map that result from the approval of a plat.

B. Any approved plat that revises the Official Map shall contain a notation which substantially complies with the following format:

This plat amends the Moon Township Official Map adopted pursuant to Chapter 14 of the Moon Township Code of Ordinances, Official Map, recorded in the Department of Real Estate of Allegheny County at \_\_\_\_\_  
 \_\_\_ Book Volume \_\_\_\_\_ Page(s) \_\_\_\_\_. [*Ord. 656*]

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

**§14-113. Fees and Review Costs.**

1. The Board of Supervisors shall establish, by resolution adopted from time to time, fees and charges for all permits, applications and reviews required by this Part. This schedule, along with an explanation of the collection procedure, shall be available in the offices of the Township Manager.

2. The Township, at its discretion, may require the application materials and subsequent construction to be reviewed by the Township Engineer or other consultants, as deemed necessary by the Township Manager, or his designee, with the applicant being responsible for all costs of said review as billed to the Township. The applicant shall also be responsible for all other fees and costs incurred by the Township in relation to the application including, but not limited to: legal fees, legal advertising,

public notices, certified mailings, court reporter appearance fees, transcription of testimony and any other related costs.

(*Ord. 540, 7/2/2003, §1*)

#### **§14-114. Violations and Penalties.**

1. Any person, partnership or corporation who has violated any provision of this Part shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of this Part found to have been violated. In addition to any other remedy available under the law, the Township may enforce this Part through an action in equity. The initial determination of a violation of this Part is hereby delegated to the Township Manager, the Planning Director, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or Board of Supervisors shall deem appropriate. [*Ord. 656*]

2. In the event that the property owner or other person responsible for the property fails to take any actions necessary to correct the violations of this Part, the Township shall have the power and authority to correct any said violations with the property owner being responsible for any such costs of remedial activities by the Township.

3. The costs of remedial activities, and civil judgments mentioned above may be entered by the Township as a lien against subject property in accordance with existing provisions of law.

(*Ord. 540, 7/2/2003, §1; as amended by Ord. 656, 4/9/2015*)

#### **§14-115. Appeals.**

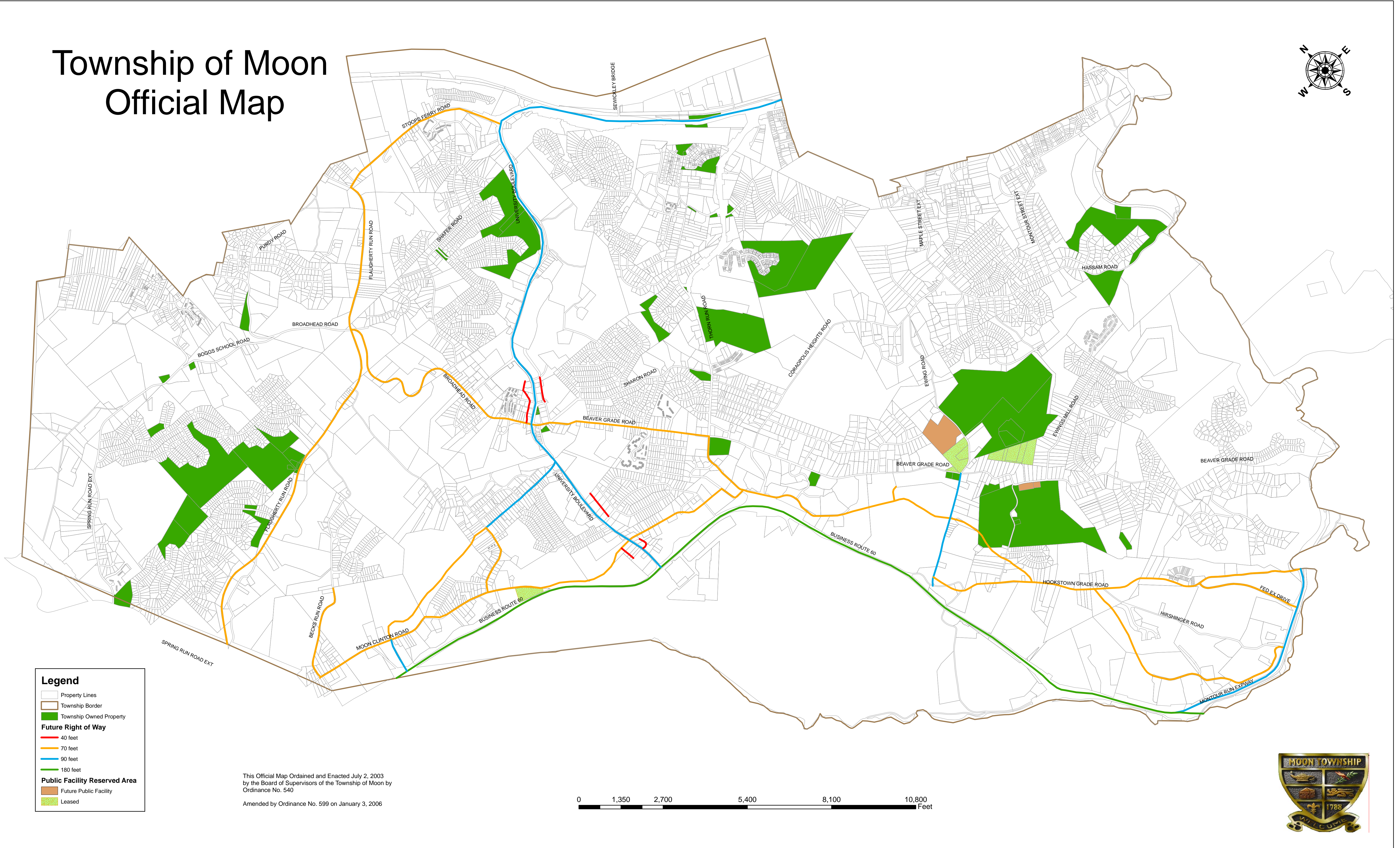
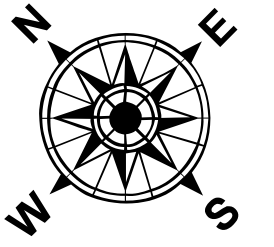
Unless otherwise specifically provided in this Part, any appeal from a decision or action of the Board of Supervisors or of any Township officer or agency of matters pertaining to this Part shall be made in the same manner and with the same time limitation as is provided for zoning appeals under Article X-A of the MPC, 53 P.S. §11001-A.

(*Ord. 540, 7/2/2003, §1*)



# Exhibit 14-A

## Township of Moon Official Map



**Legend**

- Property Lines
- Township Border
- Township Owned Property
- Future Right of Way**
- 40 feet
- 70 feet
- 90 feet
- 180 feet
- Public Facility Reserved Area**
- Future Public Facility
- Leased

This Official Map Ordained and Enacted July 2, 2003  
by the Board of Supervisors of the Township of Moon by  
Ordinance No. 540  
Amended by Ordinance No. 599 on January 3, 2006

