
ZONING ORDINANCE

*ADOPTED
FEBRUARY 15, 2000*



Township of Kilbuck
Allegheny County, Pennsylvania

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ZONING ORDINANCE TOWNSHIP OF KILBUCK

ORDINANCE NO. 1300

AN ORDINANCE DIVIDING THE TOWNSHIP INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND WITHIN EACH SUCH DISTRICT. BE IT HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF KILBUCK, ALLEGHENY COUNTY, PENNSYLVANIA THAT:

1300.01
General Provisions

A. TITLE:

The official title of this ordinance shall be the Zoning Ordinance of the Township of Kilbuck.

B. EFFECTIVE DATE:

This Ordinance shall take effect on the 15 day of FEBRUARY, 2000.

C. COMMUNITY DEVELOPMENT OBJECTIVES:

This Ordinance is adopted by virtue of the authority granted to the Township under Article IV of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as further amended. The provisions of this Zoning Ordinance are designed:

1. To ensure that orderly growth and redevelopment of Kilbuck Township occurs by encouraging infill development where vacant land and public infrastructure co-exist.
2. To reduce conflicts between existing development, future development, and the environment within the township by protecting and preserving historic structures, green spaces, natural features and commercially viable lands.
3. To support the development of advanced technology firms and light industrial and commercial centers in the area adjacent to the river and railroad tracks.

4. To provide adequate utility service to commercial, residential, and industrial consumers; ensure the public has a safe drinking water supply; and extend public sanitary sewage facilities throughout the township.
5. To preserve and provide adequate accessible community facilities and services to the residents of the township and to develop recreational opportunities for all age groups and genders.
6. To improve the movement and circulation of goods and people throughout the township and region and provide a safe and well maintained transportation system in the township.
7. Promote business development and job creation and retention which will benefit the township and the region.

D. COMPLIANCE:

No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

E. INTERPRETATION OF REGULATIONS:

Whenever the provisions of this Ordinance are at variance with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

F. 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 the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

G. REPEAL:

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

1300.02
Definitions

ACCESSORY BUILDING: A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot, or lots as that occupied by the principal building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot, or lots, with the principal use.

ADULT ANIMAL: Any animal not new born or suckling.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE/ADULT VIDEO STORE: A commercial establishment which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassette or video reproductions, slides or other visual representations which depict or describe "specified sexual activity" or "specified anatomical areas" or
2. Instruments, devices or paraphernalia which are designated for use in connection with "specified sexual activities"

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering of sale or rental for consideration of the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET: A nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in the state of nudity; and

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified anatomical areas" or by "specified sexual activity."

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

1. Offers accommodation to the public for any form of consideration, provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the description of "specified anatomical areas" or "specified sexual activities" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers sleeping rooms for rent four (4) or more times in one (1) calendar day during five (5) or more calendar days in any continuous thirty (30) day period.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified anatomical areas" or by "specified sexual activities."

ADULT THEATER: A theater, concert hall auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

AGRICULTURE: Any agricultural use including farming (tilling of soil and the raising of crops), forestry, dairying, pasturage, forage production, horticulture, floriculture, viticulture and animal or poultry husbandry. This includes the sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

ALTERATION: As applied to a building or structure, that change or rearrangement in the structural part in the entrance and exit facilities, or in the enlargement whether by extending, as a side, or by increasing in height, or the moving from one location to another.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

AREA, GROSS FLOOR: The sum of the gross area of all floors of a building measured from the face of the exterior walls.

AREA, NET FLOOR: The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for the display or

sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.

ASSISTED LIVING FACILITY: A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care home, which provides on-site supervision and assistance available to the residents on an occasional, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

BASEMENT: A story or portion of a story partly below the average grade of the surrounding ground with at least one half (1/2) of its height (measured from floor to ceiling) below the average grade level of the surrounding ground.

BED AND BREAKFAST HOMESTEAD: An owner-occupied single family dwelling that contains not more than five (5) guest bedrooms which are used for overnight accommodations in exchange for compensation. Breakfast shall be the only meal provided to guests.

BILLBOARD: See "sign, billboard or pennant."

BOARD: The Zoning Hearing Board of the Township of Kilbuck, Allegheny County, Pennsylvania.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. When separated by walls which are common with the walls of adjoining buildings, each portion of such structure shall be considered a separate building.

BUILDING LINE: An imaginary line located a fixed distance from the front line of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.

BUILDING WIDTH: The width of a building shall be determined by measuring along the building face nearest to the street line.

CLUSTER DEVELOPMENT: A detached single family residential development that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision and the resultant land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COMMERCIAL: Engaging in a business, enterprise, activity or other undertaking dealing with the public for profit.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commissions (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas to amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER: A structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMPREHENSIVE PLAN: The comprehensive development plan of the Township of Kilbuck, indicating the general locations recommended for circulation facilities, community improvements and land uses.

CONDOMINIUM: A unit in, or an arrangement under which, a tenant in a multi-family building or in a complex of multi-unit dwellings holds full title to his or her unit and joint ownership in the common grounds.

CONVERSION APARTMENT: The remodeling of a single-family dwelling unit into two (2) or more separate living units each having a minimum of five hundred (500) square feet of habitable area, exclusive of basement and or cellar dwelling, one (1) bathroom and three (3) habitable rooms, separate and private sanitary, cooking and dining facilities and a minimum of two (2) off-street parking spaces per living unit.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, fillings, grading, excavation, mining, dredging, drilling operations and the subdivision of land.

DRIVE-IN USES: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DWELLING: A building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house," or "tourist home."

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively as a residence for only one (1) family.

DWELLING, MULTIPLE -FAMILY: A dwelling designed for or occupied exclusively as a residence for two (2) or more families with separate housekeeping and cooking facilities for each family.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

EXCEPTION: An exception shall mean the permission or approval granted by the Zoning Hearing Board in the situations where the provisions therefore are by the terms of the Ordinance.

FAMILY: Any number of individuals living and cooking together as a single housekeeping unit, as distinguished from a group occupying a boarding home.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD PLAIN: The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

FLOOD PLAIN DISTRICTS: Those flood plain districts specifically designated in the Township Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF), and General Flood Plain District (FA).

FRONT YARD: The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

GARBAGE: Animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of foods.

HEIGHT: The height of the building shall be measured from the mean level of the ground at the face of the building to a point midway between the highest and the lowest points of the roof. Chimneys, spires, towers, tanks and similar projections shall not be included in calculating the height.

HEIGHT OF A COMMUNICATIONS TOWER: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital or similar use, shall not be a home occupation.

HOUSEHOLD PET: A domesticated animal that is normally and can generally be kept within the immediate living quarters of a residential structure. Any members of the swine, sheep, bovine, poultry or equine families, elephants, rhinoceros, hippopotamus, moose, deer, large cat family (tigers, lions, etc.) or reptiles having a venomous or constrictor nature, do not constitute household pets under any provisions of this ordinance.

HYDRIC SOILS: A soil that is saturated, flooded, or pooled long enough during the growing season to develop anaerobic conditions in the upper part of the soil.

ILLUMINATING SIGN: Signs which reflect light by electrical, mechanical or other means as well as luminous paint or reflectorized glass.

INDEPENDENT LIVING FACILITIES: A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

INDUSTRY, LIGHT: The processing, handling, or fabrication of materials and products where no processes are involved which will produce noise, vibration, air pollution, fire hazard, noxious emissions, high traffic volumes or other factors which will disturb or endanger neighboring properties.

INSTITUTIONAL HOME: A public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged, or infirm persons; or

members of a religious community. Institutional homes include, but are not limited to: assisted living facilities, independent living facilities, personal care home for adults, nursing facilities, adult living facilities.

INTEGRATED BUSINESS CENTER: A combination of commercial uses designed, structured and located so as to result in a shopping plaza, mall or other acceptable structural configuration or architectural modification thereof.

JUNK: Any worn, cast off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

JUNK YARD: The use of more than fifty (50) square feet of the area of any lot, whether inside or outside a building or the use of any portion of any lot that joins the street for storage keeping, or abandonment of junk including scrap metals, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

LEGISLATIVE BODY: The governing body of Kilbuck Township.

LOADING SPACE: The area required to accommodate one (1) truck in a space twelve (12) feet wide, fifteen (15) feet high and sixty (60) feet long exclusive of access and turning area.

LOT: A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT LINE: Any line dividing a lot from another lot or from an abutting street or other right-of-way.

LOT WIDTH: The mean horizontal distance across the lot between the side lot lines measured at right angles to the depth.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or in two (2) more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

MOTEL: A building made up of two (2) or more living or sleeping quarters used independently of each other and used principally and commercially for overnight accommodations.

NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the application of this Ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE: A building, structure or premises lawfully occupied at the time of the enactment of this Ordinance by a use that does not conform with the provisions of this Ordinance for the District in which it is located; also such use resulting from changes in Zoning Districts or in textual provisions made hereafter.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" or "specified sexual activities" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY/STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

NURSING HOME: A facility with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire as licensed by the Commonwealth of Pennsylvania.

OCCUPANCY PERMIT: A statement signed by the Zoning Officer setting forth either that a building or structure complies with this ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses or both.

ONE HUNDRED YEAR FLOOD: A flood that, on the average is likely to occur once every 100 years. (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: Act 247 of 1968, as amended by Act No. 170 of 1988, P.S. 10101 et seq., and as it may be further amended.

PERMITTEE/LICENSE: A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERMITTED USES: Any use allowed in a district, which is subject to the general restrictions of this Ordinance.

PERSON: Shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

PERSONAL CARE HOME: A facility licensed as a personal care home for adults by the Commonwealth of Pennsylvania, Department of Public Welfare (DPW).

PERSONAL SERVICE ESTABLISHMENT: Establishments primarily engaged in providing services involving the care of a person or his or her apparel. Personal services usually include the following: laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry cleaning plants, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, hat cleaning, funeral services, steam baths, reducing salons and health clubs, clothing rental, locker rental porter service, etc.

PLANNING COMMISSION: The legally appointed Planning Commission of the Township of Kilbuck.

PRIME AGRICULTURAL SOILS: Soils which, according to the Allegheny County Conservation District, are most conducive, because of content, drainage and yield, to the practice of farming.

PRIME FARMLAND: Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oil seed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture. Includes land that possesses the above characteristics, but is being currently used to produce livestock and timber.

PRINCIPAL USE: The major or dominant use of the lot on which it is situated.

PRIVATE CLUB: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

PRIVATE GARAGE: An accessory building or part of a main building used only for the storage of not more than three (3) vehicles of which one may be commercial as an accessory use by members of the family or families housed in the building to which such garage is accessory.

PROFESSIONAL OFFICE: Any office or business conducted by an individual or association who or that must be licensed under the laws of the State of Pennsylvania.

PUBLIC GARAGE: A building, not a private garage, used for storage or repair of motor vehicles.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC NOTICE: For the purpose of this Ordinance, public notice shall mean a notice published once a week for two (2) 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC UTILITY: An enterprise regulated by the Pennsylvania Public Utility Commission or an activity offered by an authority or a municipally owned agency which renders a public service deemed necessary for public health, safety and welfare but excluding police, fire and similar emergency services.

PUBLIC UTILITY TRANSMISSION TOWER: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUADRUPLEX: Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

REAR YARD: The required open space extending from the rear of the main building to the rear lot line, not necessarily a street line, throughout the entire width of the lot. The rear yard is measured perpendicular to the building at the point closest to the rear lot line.

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RIGHT-OF-WAY: The total extent of land reserved or dedicated as a street or way, alley or lane, for public or private purposes.

ROOMING HOUSE: A residential building, other than a hotel, where sleeping accommodations are offered for hire for three (3) or more persons.

RUBBISH/REFUSE: Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SCREEN (BUFFER) PLANTING: An arrangement of vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen or buffer planting is located.

SCREENING: Screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SERVICE STATIONS: An area of land, including structures used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sales of motor vehicle accessories which may include associated facilities for automobile service excluding painting.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between members of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SIDE YARD: The required open space extending from the side of any building along the side lot line throughout the entire depth of the building.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN, BILLBOARD: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, BULLETIN BOARD: A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and the general announcements of events or activities occurring at the institution or similar messages.

SIGN, POLE: A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

SPECIAL EXCEPTION: A use permitted with special permission granted by the Zoning Hearing Board to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this ordinance when such use is not listed as a permitted use.

SPECIFIED ANATOMICAL AREAS: The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, copulation or sodomy
2. Masturbation, actual or simulated; or
3. Excretory functions as part of or in connection with any of the activities set forth in 1 and 2 above.

STEEP SLOPES: Land areas where slope exceeds twenty five (25) percent. The slope is to be determined from on-site topographic surveys prepared with a two (2) foot contour interval or topography taken from controlled aerial photography at two (2) foot intervals.

STREET: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

STREET LINE: The line defining the edge of the legal width of a dedicated street right-of-way.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in

addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL ENLARGEMENT: Substantial enlargement of a business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor area exist on date of enactment of this ordinance.

SUPERVISORS: The township supervisors of the Township of Kilbuck.

SWIMMING POOL: Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to the art or sport of swimming or diving and the within definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six (6) inches of water.

TOWNHOUSE: A one family dwelling in a row of at least four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated by one or more common fire resistant walls. Each dwelling unit has a record lot in addition to a vested interest in the common open space. The structure may be one (1) or two (2) stories in height.

TRAILER (TRAVEL AND RELATED CAMPING AND RECREATIONAL EQUIPMENT): Camping and recreational equipment shall include travel trailers, pickup coaches, motorized homes, boats, and boat trailers and shall be defined as follows: a) A "travel trailer" is a vehicular, portable structure built on a chassis and designed to be used as a temporary dwelling for travel, recreational, and vacation purposes; permanently identified "travel trailer" by the manufacturer of the trailer and when factory equipped for the road, having a body width not exceeding eight (8) feet and being of any length, provided the gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight, provided its body length does not exceed twenty-nine (29) feet. b) A "pickup coach" is a structure designed primarily to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, and vacation uses. c) A "motorized home" is a portable dwelling designed and constructed as an integral part of a self propelled vehicle. d) A "boat" is a vessel designed to travel on water and capable of being transported by boat trailer. e) A "boat trailer" is a trailer designed to haul a boat with another vehicle.

TRANSFER OF OWNERSHIP OR CONTROL: (of a sexually oriented business) means and includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means, or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for the transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

UTILITIES: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as but not limited to poles and lines.

VARIANCE: A modification of the regulations of this Ordinance by the Zoning Hearing Board to an owner in the use of land or a structure when a literal enforcement of this Ordinance would result in unnecessary hardship. All variances must be forwarded to the Board of Supervisors and entered in their official minutes as a matter of public record.

YARD: An open space that lies between a building or buildings and the nearest lot line. The minimum required yard set forth in this ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Ordinance.

ZONING DISTRICT: A finite area of land, as designated by its boundaries on the zoning map, throughout which specific and uniform regulations govern the use of land and/or the location, size, and use of buildings.

ZONING HEARING BOARD: The Zoning Hearing Board of the Township of Kilbuck. The powers and duties of the board are defined in Section 1300.07 of this ordinance.

ZONING MAP: The official zoning map or maps of Kilbuck Township indicating the zoning districts which are part of this ordinance, together with all amendments subsequently adopted.

ZONING OFFICER: That individual authorized by the Board of Supervisors to be the administrator of the day-to-day application of the provisions contained in this Ordinance.

ZONING PERMIT: A statement signed by the Zoning Officer indicating that the application for permission to construct, alter, or add is approved and in accordance with the requirements of the terms of this Ordinance.

SECTION 1300.03
DISTRICT REGULATIONS

A. ZONING MAP:

A map entitled the Township of Kilbuck Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the Township offices.

B. ESTABLISHMENT OF DISTRICTS:

For the purpose of applying the provisions of this Ordinance, the Township of Kilbuck, County of Allegheny, Commonwealth of Pennsylvania, is hereby divided into the following zoning districts.

- R-1 Single Family Residential
- R-2 General Residential
- R-3 Multi-Family Residential
- C-1 General Commercial
- SUD Special Use District
- PK Park and Open Space
- CON Conservation

C. ESTABLISHMENT OF OVERLAY DISTRICTS:

In addition to the zoning districts, this chapter establishes an overlay district. The overlay district includes:

- 1) Floodplains
- 2) Steep Slope Areas (25% or greater)

D. DISTRICT BOUNDARIES:

District boundaries that are shown between the lines of streets, streams, and transportation right-of-ways shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the zoning officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the ZHB, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

When a district boundary line divides a lot held in single or separate ownership at the effective date of this Ordinance; (a) where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given

for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision, or (b) the permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.

If this section creates an undue hardship, the zoning hearing board has jurisdiction to grant such relief as the board deems necessary.

E. ZONING DISTRICT CHANGES:

All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

F. PERMITTED USES AND SPECIAL EXCEPTIONS:

The permitted uses and Special Exceptions for each district are shown in Table 1300.03.1. Special Exceptions may be granted or denied by the ZHB in accordance with the express standards and criteria of this Ordinance. In granting a Special Exception, the ZHB may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood.

Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Section 1300.02. Only one (1) principal use per lot in any district will be allowed.

Where a use is proposed, which is similar in nature and intent to those already listed in a Zoning District, but not actually listed therein, the zoning officer shall refer the request to the ZHB. The ZHB shall review the request and shall approve or deny the request based upon:

1. The purpose and intent of this Ordinance.
2. The similarity of the use to the listed uses and intent of the district.

G. USE OF PROPERTY:

No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.

H. RESTRICTIONS:

No building shall be erected or altered

1. To exceed the height;
2. To exceed the number of stories;
3. To accommodate a greater number of families;
4. To occupy a greater percentage of lot area; or
5. To have a narrower or smaller rear yard, front yard, or side yards than are specified for the district in which such building is located.

I. LOT YARD AND HEIGHT REQUIREMENTS:

The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in Table 1300.03.2.

**Table 1300.03.1
ZONING DISTRICTS**

PERMITTED USES AND SPECIAL EXCEPTIONS

R-1 SINGLE FAMILY RESIDENTIAL

Permitted Uses

Single-family detached dwellings
Cluster development
Parks, Playgrounds, non-commercial recreational uses
Schools
Churches
Accessory Uses

Special Exceptions

Bed and Breakfast Homestead

R-2 GENERAL RESIDENTIAL

Permitted Uses

Single-family detached dwellings
Cluster development
Parks, Playgrounds, non-commercial recreational uses
Schools
Churches
Duplexes
Townhouses
Quadruplex
Municipal/civic buildings
Accessory Uses

Special Exceptions

Home occupations
Professional offices
Bed and Breakfast Homestead

R-3 MULTI-FAMILY RESIDENTIAL

Permitted Uses

Single-family detached dwelling
Single-family cluster Development
Duplexes
Townhouses
Multi-family dwellings (exceeding 2 units)
Quadruplex
Conversion Apartments
Individual mobile homes
Parks, Playgrounds, non-commercial recreational uses
Schools
Churches
Offices/professional offices
Medical/dental offices
Accessory Uses

Special Exceptions

Nursing Homes
Clinics
Funeral homes
Mobile Home Parks
Bed and Breakfast Homestead

C-1 GENERAL COMMERCIAL

Permitted Uses

Retail businesses
Banks
Offices
Restaurants
Motels, hotels
Cafes
Motion Picture Theaters
Bowling alleys
Other places of public amusement
Personal service establishments
Bakery, candy, pastry, confectionery, or ice cream retail sales with minor manufacturing permitted
Motor Vehicle Sales

Motor Vehicle Repair Garages
Gasoline stations / drive-in uses
Private clubs, lodges, recreational buildings, or properties
Accessory Uses

Special Exceptions

Outdoor recreation and commercial uses
Sexually oriented business
Communications towers and antennas

SUD - SPECIAL USE DISTRICT

Permitted Uses

Any residential uses permitted by right in the R-3 zoning district, except the following:

1. Conversion apartments
2. Individual mobile homes
3. Schools
4. Churches

Any commercial uses permitted by right in the C-1 zoning district, except the following:

1. Motor vehicle sales
2. Motor vehicle repair garages
3. Gasoline stations/drive in uses
4. Private clubs, lodges, recreational buildings, or properties

Kennels

Wholesale, warehousing and storage
Building material supplies
Distributing plant, beverage bottling and / or distribution
Laboratories devoted to research, design and experimentation
Light manufacturing, compounding, processing, packing or treatment excluding such uses or processes which produce or emit dust; smoke, refuse matter; toxic or noxious odors, gasses, and fumes; excessive noise, vibration; or similar substances and conditions.
Printing, publishing and allied processes
Utility operations
Highway freight, transportation, and warehousing
Food and kindred products, packaging, storage and distribution
Accessory Uses

Special Exceptions

Junk yards
Communications towers and antennas

PK - PARK AND OPEN SPACE

Permitted Uses

Public reserved open space
Nature study area
Plant and wildlife sanctuary
Hiking and walking trails
Picnic facilities
Creative play space
Recreational fields
Recreational courts
Community swimming pools
Accessory Uses

CON - CONSERVATION

Permitted Uses

Agriculture
Forestry
Oil and gas wells
Park
Seasonal homes
Single family dwelling

**Table 1300.03.2
LOT, YARD, AND HEIGHT REQUIREMENTS**

ZONING DISTRICT	Min. lot area (sq. ft.)	Min. lot width (feet)	Min. Front yard setback (feet)	Min. Side yard setback (feet)	Min. rear yard setback (feet)/Min rear yard setback for accessory uses (feet)	Max. structure height (feet)	Max. lot coverage (percent)
R-1 Single Family Residential							
Single Family							
water & sewage	21,780	100	35	15/40 total	50/15	35	30
water or sewage	21,780	100	35	15/40 total	50/15	35	30
neither water nor sewage	43,560	100	35	15/40 total	50/15	35	30
R-2 General Residential							
Single family							
water & sewage	12,000	70	35	15/40 total	50/15	35	30
water or sewage	21,780	85	35	15/40 total	50/15	35	30
neither water nor sewage	43,560	100	35	15/40 total	50/15	35	30
Single family cluster *	10,000 Avg.	50	N/A	15	50	35	30
Duplexes *	12,000	70	25	15	10	35	30
Townhouses and Quadraplexes*	5,000	N/A	25	15	10	35	30
R-3 Multi-family							
Multi-family dwelling *	The greater of 15,000 sq. ft. Or 4,000 sq. ft. Per family	100	30	10	10	35	45
Single family							
water & sewage	12,000	70	35	15/40 total	50/15	35	30
water or sewage	21,780	85	35	15/40 total	50/15	35	30
neither water nor sewage	43,560	100	35	15/40 total	50/15	35	30
Single family cluster *	10,000 Avg.	50	N/A	15	50	35	30
Duplexes *	12,000	70	25	15	10	35	30
Townhouses and Quadraplexes*	5,000	N/A	25	15	10	35	30
For all non-residential uses in R1, R2, and R3	21,780	70	35	15	50	35	50

Table 1300.03.2
LOT, YARD, AND HEIGHT REQUIREMENTS
CONTINUED

ZONING DISTRICT	Min. lot area (sq. ft.)	Min. lot width (feet)	Min. front yard setback (feet)	Min. side yard setback (feet)	Min. rear yard setback (feet)/Min rear yard setback for accessory uses (feet)	Max. structure height (feet)	Max. lot coverage (percent)
C-1 General Commercial	12,000	60	25	15	20	35	60
For all uses							
CON Conservation	43,560	100	35	15/40 total	50/15	35	30
PK Park	21,780	70	35	15	25	35	50
SUD Special Use District							
Residential Uses							
water and/or sewage	21,780	70	35	15	25	35	30
Neither water nor sewage	43,560	100	35	15	25	35	30
Commercial Uses	21,780	100	20	10	25	35	60
Industrial Uses	2 ac	200	100	100	25	35	60

*Must have public water and sewer

J. SPECIAL EXCEPTIONS:

Applications for special exceptions shall be made to the zoning officer. Special exceptions are to be allowed or denied by the ZHB. Procedures shall follow those specified in this Ordinance and the Planning Code. The purpose of the Special Exception category is to provide flexibility within specific zoning districts. However, it is not the intent of this Zoning Ordinance to allow such uses automatically. The chief criteria or standard that any special exception must meet is the effect such a use would have on its immediate surroundings. If such an effect is adverse due to potential noise, traffic congestion, pedestrian traffic, hours of operation, safety or general environmental degradation then, regardless of the fact such a proposed use may meet other criteria as listed in this ordinance, it shall be denied. In each case for a special exception, the ZHB may insure the integrity of the neighborhood.

The following standards are designed to apply to uses only when they are a special exception.

1) Home Occupations and Professional Offices:

1. Official residence shall be maintained by the occupant who may be an owner, renter or a lessee.
2. The accessory use shall be located in a principal dwelling building.
3. The accessory use shall not occupy more than forty (40) percent of the ground floor area of the principal dwelling building.
4. There shall not be an animal hospital or animal clinic in connection therewith.
5. There shall not be more than one (1) non-resident employed on the premises.
6. There shall be a minimum of five (5) off-street parking spaces for professional offices. There shall be a minimum of three (3) off-street parking spaces for home occupations.
7. The use of an accessory building including private automobile garage shall be limited to the total ground floor area of the accessory structure at the time of the adoption of this Ordinance.

2) Conversion Apartments:

1. Each living unit provides a minimum of not less than five hundred (500) square feet of habitable living area.
2. Each living unit contains not less than one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
3. Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
4. Fire and safety provisions are certified to be adequate by the Fire Marshall.
5. Minimum of two (2) off street parking spaces are provided for each residential unit.
6. Lot and area requirements shall be in accordance with the following.
 - a) Front yard minimum - twenty-five (25) feet.
 - b) Side yard total - twenty (20) feet with a minimum side of eight (8) feet.
 - c) Rear yard minimum depth - forty (40) feet.
 - d) Building height maximum - two and one-half (2 1/2) stories or thirty-five (35) feet.
 - e) Lot coverage maximum - forty (40) percent.

3) Institutional Homes, Clinics, Medical, Dental Offices and Funeral Homes:

1. Public water, sanitary sewer and storm sewer facilities are required.
2. The lot contains a minimum frontage of ninety (90) feet and an area of fifteen thousand (15,000) square feet.
3. The architecture of the structure is in keeping with the general residential character of the neighborhood.
4. There shall be a minimum of one (1) parking space for each employee and one (1) parking space for every two beds in a nursing home.
5. There shall be a minimum of seven parking spaces in addition to the two (2) required for the owner or operator of each medical and dental office. Parking requirements for clinics shall be determined by the Planning Commission.
6. There shall be a minimum of twenty (20) parking spaces in addition to the three (3) required for the owner or operator of the funeral home.

7. The illumination of parking areas and buildings and the display of signs is placed in a manner minimizing the disturbance of the general character of the neighborhood.

4) Mobile Home Parks:

1. Public water, sanitary sewer and storm water facilities are required.
2. No mobile home park may be less than three (3) acres in size.
3. Minimum yard and area requirements shall be required for individual spaces as follows:
 - a) Lot area - Four thousand five hundred (4,500) square feet.
 - b) Width - Forty five (45) feet.
 - c) Depth - One hundred (100) feet.
 - d) Side yard - Twenty-four (24) feet combined, minimum ten (10) feet.
 - e) Height - Sixteen (16) feet maximum.
4. Off-street parking space shall be provided at the rate of at least two (2) car spaces for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for multi-car tenants, and for delivery and service vehicles.
5. Pavement widths.
 - a) All entrances, streets and other collector streets with guest parking both sides - thirty six (36) foot minimum.
 - b) Collector street with no parking - twenty-two (22) foot minimum
 - c) Local or cul-de-sac street with no parking - twenty (20) foot minimum.
 - d) One-way local street with no parking acceptable only if less than five hundred (500) feet total length and serving less than twenty-five (25) mobile home stands - eleven (11) foot minimum.
6. Mobile home parks shall provide a six (6) foot screen planting of trees, evergreens or hedges or shrubs two (2) feet wide on the side and rear property lines.
7. In addition to meeting the above requirements and conforming to other laws of the Township, County or state including Pennsylvania Department of Health Regulations for Mobile Home Parks, mobile home parks shall also conform to the requirements set forth in sections or chapters of Minimum Property Standards for Mobile Home Courts of the Federal Housing Administration, where provisions of such regulations conflict with those of the existing township, county or state, the most restrictive of those imposing the higher standards shall govern.

5) Outdoor Recreation and Commercial Uses:

1. Such uses shall neither be less than one hundred (100) feet from a residential district, church, school, nor designated or related thereto as to interfere with peaceful enjoyment of such properties by reason of lights, noise, or other physical factors

6) Junkyards:

1. The site is completely enclosed by a sight-obscuring screen, masonry wall, wooden fence, compact evergreen hedge, or chain-link fence with evergreen vines at least eight (8) feet in height.
2. The site must contain a combined entrance and exit not less than thirty (30) feet in width or a separate entrance and exit not less than fifteen (15) feet in width each.
3. Storage is limited to non-organic material.
4. The site is located a minimum of two hundred (200) feet from any adjoining District.
5. The site is located a minimum of one hundred (100) feet from any highway, township road or street or access road.
6. Off-street parking is provided within the site enclosure.
7. On-site burning or incineration of vehicles is prohibited.

7) Sexually Oriented Business:

1. Operator must obtain, and have approved, a permit to operate a sexually oriented business.
2. Sexually oriented businesses shall not be located closer than one thousand (1,000) feet to a church, public or private pre-elementary, elementary or secondary school, a public library, a child care facility or nursery school, or a public park adjacent to any residential district.
3. No sexually oriented business shall be located closer than five thousand (5,000) feet to another sexually oriented business.

4. For the purposes of this ordinance, all measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted , to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, nursery school, another sexually oriented business, or the nearest boundary of an affected park.

SUPPLEMENTARY REGULATIONS

A. ESSENTIAL SERVICES:

Essential services, as defined in this Ordinance shall be permitted in all Districts, subject to restrictions approved by the Planning Commission with respect to use, design, yard area, setback, and height.

This shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

B. NON CONFORMING USES:

The following provisions shall apply to all non-conforming uses and structures. It is the intention of the Township of Kilbuck that all legal non-conforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this article.

1. Any non-conforming use may be continued but may not be extended, expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this ordinance.
2. Any non-conforming building may be reconstructed and used as before, if such reconstruction is performed within twelve months of its discontinuance and covers no greater area and contains no greater cubic content.
3. In the event that any non-conforming use, conducted in a structure or otherwise, ceases for whatever reason for a period of one (1) year, such non-conforming use shall not be resumed and further use shall be in conformity with the provisions of this Ordinance.

4. Nothing contained herein shall require any change on the overall layout plans, construction, size or designated use of any development, building, structure or part thereof for which official approval was necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one (1) year period.
5. Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.
6. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
7. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to a district of a different classification, this Article shall apply to any uses which thereby become non-conforming.
8. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this ordinance. A non-conforming building or structure may, with the approval of the Planning Commission and Township Supervisors, be extended, enlarged, or replaced if such structure meets the minimum yard coverage, set-back, and height regulations of the district in which the structure is located and must meet all off-street parking and loading requirements of this ordinance, if applicable.

C. EXISTING LOTS OF RECORD:

Any lot of record existing at the effective date of this Ordinance in any district where single family dwellings are permitted may be used for the erection of a single family dwelling, residential garages, additions and accessory buildings, even though its area and width is less than the minimum requirements. Front, rear and side yards for existing lots of record shall not be less than the established yards prevailing in the area, but in no case shall side yards be less than three (3) feet or rear yards less than five (5) feet.

Where two or more adjacent lots of record with less than the required area and width, are held by one owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the ZHB which shall require replotting to fewer lots, which would comply with the minimum requirements of this Ordinance.

D. APPLICATION OF YARD REQUIREMENTS:

1. Lots which abut on more than one street shall provide the required front yard along every street.

2. All structures, whether attached to the principal structures or not, whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side, or rear yard, except as noted in this Ordinance. Cornices, eaves, gutters, balconies, steps, stoops, bay windows, or chimneys may project into required spaces provided such projection is not more than twenty-four (24) inches.
3. A wall or fence six (6) feet or less in height may be erected along the sides or rear within the limits of any yard.
 - a) Wooden "stockade" style fences must be constructed with the finished side facing away from the principal structure.
 - b) Retaining walls and fences required for screening under this Ordinance are not subject to the six (6) foot height limitation.
 - c) No front yard fences, trees, bushes, or ornamental shrubbery over thirty six (36) inches in height or that obstruct visibility from driveways or any road shall be permitted.
4. Nonresidential buildings hereafter constructed, or uses hereafter established, shall not be located or constructed closer to any lot line, in or adjacent to any of the residential districts, than the distance specified in the following schedule:

<u>USE</u>	<u>MINIMUM SIDE OR REAR YARD</u>
Off-street parking space and access drives for nonresidential uses;	10 feet
All other nonresidential uses or structures	20 feet

5. Location of any accessory building shall adhere to side yard requirements and shall be no less than five (5) feet from any rear lot line.

E. TEMPORARY STRUCTURES:

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period.

F. BASEMENT STRUCTURES:

Residing in basements or foundation structures before completion of the total structure shall not be permitted.

G. STORAGE:

No lot or premises shall be used as a garbage dump or dead animal rendering plant. No rubbish or refuse may be stored in the open within any District.

H. LOT AREA MEASUREMENT:

For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six (6) times the average width of the lot may be used in calculations.

I. SWIMMING POOL:

Swimming pools are permitted in accordance with the following requirements:

1. That a swimming pool, which is owned and operated by private persons, firms, corporations, associations, charity, or other entity other than a municipality, department, authority or subdivision thereof, which persons, firms, corporations, associations, charity, or other entity is not organized for profit and for the enjoyment of which no individual admission charge is made, shall be subject to the terms and conditions of this Ordinance.
2. That no swimming pool may be located within twenty (20) feet of any property line.
3. The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet in height and shall be maintained in good condition. An above ground pool that has a top edge four (4) feet above the ground completely around the perimeter of the pool will not require an additional fence. Access to above ground swimming pools is to be removed or locked when swimming pool is unattended.
4. That each swimming pool must provide minimum lighting of at least four hundred (400) watts.
5. Swimming pools shall be equipped with an adequate filtration system.
6. Each swimming pool shall require a zoning and occupancy permit.

7. Adequate screening shall be provided as required

J. MOBILE HOME CAMPING OR RECREATIONAL EQUIPMENT STORAGE

Trailers as defined within the terms of this Ordinance and including mobile homes, travel trailers, pickup coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:

1. At no time shall such parked or stored camping and recreation equipment (mobile homes excepted) be occupied or used for living, sleeping, or housekeeping purposes.
2. Mobile homes may be parked and occupied upon issuance of a "Temporary Mobile Home Parking and Occupancy Permit".
3. The Temporary Mobile Home Parking and Occupancy Permit shall be limited to a maximum of one (1) consecutive two (2) week period in any one (1) calendar year.
4. Parking and storing of camping and recreational equipment shall be limited to the interior of automobile garages, other available on-lot accessory building or to that portion of the lot to the rear of the principal building.
5. All recreational vehicles parked on a residential lot shall have current registration and state inspection.
6. Recreational vehicles shall only be parked on property owned by the registered owner of the vehicle.

K. ANIMALS AND POULTRY

No citizen of the Township of Kilbuck may house and/or pasture any animals of the equine, bovine, sheep or goat family hereafter referred to as animal, or poultry unless they comply with the following provisions.

1. The citizen must own or lease a minimum of five contiguous acres, at which his present residence is located, for the first and/or second adult animal, and two additional acres for each additional adult animal. Adult animals shall be all those other than issue of adult animals counted as part of total number of animals allowed. Such acreage must be unimproved and suitable for grazing. The citizen must own or lease a minimum of one (1) contiguous acre for the keeping of poultry. A maximum number of fifty (50) poultry may be kept.

2. The animals and/or poultry must be housed in a separate building, which complies with all terms and provisions of the Kilbuck Township Zoning Ordinance and Kilbuck Township Building Code (BOCA). Buildings are to be maintained in a clean manner. No accumulation of manure over six (6) cubic yards is permitted on the property except where it is spread on fields and plowed into soil within seven (7) days. Manure accumulation may vary from November 1 to March 31. No animal manure storage is to be established closer than one hundred (100) feet to any property line. Poultry manure storage no closer than fifty (50) feet. Floor area shall be no less than fifty (50) square feet for each animal of the equine and bovine family and twenty-five (25) square feet for animals of other domesticated groups.
3. The citizen must make application for the housing and/or pasturing of animals and poultry to the Zoning Officer who shall, if the citizen complies with the provisions of the Ordinance, issue an Animal Permit.
4. In the event the Zoning Officer grants the petitioner's request, the petitioner must take measures to prevent the animals and/or poultry from running at large by the use of a fence to be a minimum of four (4) feet high. If the fence is adjacent to an existing residential property line, a repelling fence (electrically charged or barb wire) may not be used. The fence must be five (5) feet from all public roads, alleys, and property lines. The fence must also comply with Section 1300.05 D3 of this Ordinance.
5. No animal may be pastured in Kilbuck Township unless said pasture is enclosed on all sides by a fence.
6. Placement of animal and/or poultry shelter must meet or exceed these minimum distances from public roads, alleys, and all property lines.
 - a) Poultry - fifty (50) feet.
 - b) Animal - one hundred (100) feet.
 - c) Minimum - twenty-five (25) feet to rear of residence.

L. COMMERCIAL EQUIPMENT STORAGE

Commercial equipment, including trucks, one (1) ton capacity or larger, tandems, tractor-trailers, tractors, or other commercial, or construction and cargo moving vehicles or equipment, shall not under any conditions be stored or parked overnight in any Residential District.

M. GASOLINE SERVICE STATION AND OTHER DRIVE IN USES:

1. No street entrance or exit for vehicles and no portion of equipment for such service station or other drive-in uses shall be located within the following:
 - a) Two hundred (200) feet of a street entrance or exit of any school, park or playground conducted for and attended by children.
 - b) One hundred (100) feet of any hospital, church or library.
 - c) Seventy-five (75) feet of a lot in a Residential District as established in this Ordinance.
2. No equipment above surface or ground for the service of motor vehicles shall be closer than thirty (30) feet to any property line.
3. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty (30) feet at its intersection with the curb line or edge of pavement.
4. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
5. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or onto streets.

N. MOTOR VEHICLE REPAIR GARAGE:

1. All repairs must be conducted entirely within a building.
2. The exterior walls of the building must not be less than one hundred (100) feet from a residential district.
3. There shall be no dismantling or repairing outside of the building.
4. All discarded parts must be stored at the rear of the building and barricaded from sight by such fencing and/or shrubbery as shall be approved by the Kilbuck Township Building inspector.
5. All discarded parts must be removed from the premises within thirty (30) days.
6. Salvage parts must be stored inside the building.

O. MOTOR VEHICLE SALES:

1. All sales must be conducted entirely within a building or trailer with motor vehicles displayed on a lot owned or leased by the proprietor and abutting or surrounding the sales office.
2. Any motor vehicle requiring repair may be stored on the commercial lot for a period not exceeding sixty (60) days.

P. INDIVIDUAL MOBILE HOMES:

1. A mobile home shall be placed on a permanent foundation within sixty (60) days of arrival on its lot. The foundation shall be at least four (4) masonry piers set on concrete footers, with a continuous masonry peripheral wall. The bottom of the mobile home shall be securely tied to its foundation by over-the-top or built-in steel straps or cables sufficient to hold the mobile home to its foundation under high wind conditions. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.
2. Before a mobile home can be occupied, the zoning officer shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.
3. Before a mobile home is removed from its lot, the occupant shall present to the zoning officer receipts showing that all township, county and school district taxes have been paid in full. When a mobile home has been removed, and a second mobile home shall not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within sixty (60) days after removal of the home.
4. Any mobile home brought into the township after the effective date of this ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
5. Any mobile home lawfully pre-existing this ordinance shall be continuously skirted by a solid weatherproof material with appropriate cross ventilation and maintained in good condition.

Q. NATURAL BUFFER (YARD):

Where any R-2, R-3, C-1, or SUD districts abuts an R-1, Conservation or Park and Open Space District, there shall be a one hundred (100) foot undisturbed natural buffer from the property line to the nearest outside wall of the structure.

R. OVERLAY DISTRICT:

In addition to the zoning districts established in Section 3 and delineated on the zoning map of Kilbuck Township, all areas containing or characterized as the following: floodplain, steep slope (25% or greater), land slide prone areas, prime agricultural soils, or undermined areas with less than one hundred (100) feet of overburden are established as an Overlay District in accordance with Section 605 of the Pennsylvania Municipalities Planning Code

The location of the overlay district is delineated on maps depicting floodplains, steep slopes, landslide prone areas, prime agricultural soils, undermined areas with less than one hundred (100) ft. of overburden. These maps are adopted as part of the zoning map.

1. Accuracy of Overlay District: Overlay districts may not include all land or sites subject to the special features of the overlay district; and not all land within the overlay district may actually contain the regulated features.
2. Areas Not Included in the Overlay District: It is the intent of this section that the limitations in development which are imposed by the overlay district regulations shall apply to all lots which include the regulated feature, whether or not the land is shown in the overlay district. It shall be the responsibility of the developer to establish the presence or absence on the proposed site of all features subject to regulation in this section.
3. Interpretation of Overlay Districts: Initial interpretations of the boundaries of the overlay district shall be made by the zoning officer. Should a dispute arise concerning the boundaries of the overlay district, the zoning hearing board shall make the necessary determination. The person questioning or contesting the location of the overlay district boundary will have an opportunity to submit information from a qualified professional or other expert acceptable to the Township to demonstrate that the lot in question can be used in the manner proposed without violation of this amendment.
4. Application of Overlay District Regulation: The regulations in this section apply to the use of lots and structures in the overlay district. These restrictions shall be in addition to the regulations of the zoning district in which the lot is located.

5. Prohibited Uses: The following uses are prohibited under all circumstances:

a) Any new or substantially improved structure which will be used for the production or storage of any of the following material or substances which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances:

- Acetone
- Ammonia
- Benzene
- Calcium Carbide
- Carbon Disulfide
- Celluloid
- Chlorine
- Hydrochloric Acid
- Magnesium
- Nitric Acid and Oxides of Nitrogen
- Phosphorus
- Potassium
- Sodium
- Sulfur and Sulfur products
- Pesticides (including insecticides, Fungicides, and Rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

b) Construction that will alter the flood plain or cause the result of a flood to be worse.

6. Steep Slopes: When building on a slope of twenty five (25) percent or more, the municipality must be notified in advance. Where the zoning officer has determined that the on-site soils are identified as potentially landslide prone in the Soil Survey of Allegheny County, or in other studies and maps located in the Allegheny County Office of Economic Development, or the underlying geology of the site may be unstable, it will be considered evidence of potential site instability and a geotechnical report will be required to ensure the safety of any proposed disturbance. A geotechnical report may also be required if there is visible, physical evidence of site instability, such as soil creep, slumping, rock falls or landslides as determined by the municipality. Any disturbances of the land must comply with Part Nineteen (19) entitled "Grading Code" of the Kilbuck Township Codified Ordinances.

7. Floodplain Regulations: All uses, activities and development occurring within any flood plain district shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Township Building Code, and Township Subdivision and Land Development Ordinance. In addition, all such uses, activities and development shall be undertaken only in compliance with Federal or State Law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33U.S.D.133.

- a) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
- b) Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Protection, Dams and Waterways Management Bureau. Further, notification of the proposal by the Township shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community and Economic Development.

S. COMMUNICATION TOWERS AND ANTENNAS:

1. The height regulations of this ordinance may be increased provided that every yard is increased by one (1) foot for each one (1) foot of height above the maximum height. The communication towers shall not at any time exceed two hundred (200) feet. Equipment that is mounted or attached to the communication tower shall not exceed this two-hundred (200) foot maximum height.
2. Communication towers shall be erected within the minimum yard and building setback requirements of the C-1 Commercial district. Any guy anchor must meet the minimum yard and building setback requirements of the zoning district in which it is located.
3. Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e) A commercially reasonable agreement could not be reached with the owners of such structures.
4. Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightning, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
 5. An annual inspection performed by a professional engineer and paid for by the owner of the communication tower shall be required for all communication towers. An annual inspection report shall be submitted to the Township of Kilbuck by June 1, of each calendar year.
 6. An environmental impact statement shall be submitted with any application describing the effects of the proposed communication tower and related equipment will have on the environment and surrounding area, including, but not limited to effects on human health, scenic views, air traffic or other impacts as determined by the zoning officer.

7. All communication towers shall have a finish that reduces the visibility of the structure. Communication towers shall not have strobe lights or any illumination unless required by the Federal Aviation Administration.
8. The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barb wire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remained locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) hour security system.
9. The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.

T. KENNELS:

1. No additional residential use may be established on land designated as a kennel.
2. The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
3. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots.
4. The perimeter of the exterior exercise area must be fenced with the weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.
5. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
6. No kennel may be established within one-half (1/2) of a mile of an existing kennel.

U. DEVELOPMENT IN SPECIAL USE DISTRICT

1. A land development plan, as described in the Kilbuck Township Subdivision and Land Development Ordinance, showing all lots and the potential use for each lot shall be prepared.
2. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of developments subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
3. Lot, yard and height requirements shall be as provided in Table 1300.03.2.
4. Development in the Special Use District requires a traffic study to be performed as provided in Section 1300.04 X

V. PERFORMANCE STANDARDS

No use, land, or structure in any district, shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance requirements:

1. FIRE PROTECTION: Fire protection and fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
2. ELECTRICAL DISTURBANCES: No activity from any source shall cause electrical disturbances adversely affecting radio or other equipment in the neighboring area.
3. NOISE: Noise which is determined to be objectionable because of volume or frequency from any source shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public purposes, which shall be exempt from this requirement.

4. SMOKE: The maximum amount of smoke emission permissible from any source shall be determined by use of the Standard Ringblenden Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.
5. ODORS: In any district except the Industrial District, no malodorous gas or matter from any source shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.
6. AIR POLLUTION: No pollution of air by fly-ash, coal soot, dust, vapors, or other substances from any source shall be permitted which is harmful to health, or to animals, vegetation or other property.
7. GLARE: Lighting devices which produce an objectionable direct or reflected glare in adjoining properties or thoroughfares shall not be permitted.
8. EROSION: No activity which would cause erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
9. WATER POLLUTION: The method for discharging wastes to surface waters, public sewers, drains, or water courses shall be acceptable under the provisions of the Pennsylvania Sewage Facilities Act (act 537 of 1968), as same may be amended from time to time.

In Special Exception cases involving performance standards, the ZHB may require a plan of the proposed construction or development, a description of machinery proposed, and specifications for the mechanisms and techniques to be used, and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

W. OFF-STREET LOADING AND PARKING

Off-street loading and parking spaces shall be provided in accordance with the specifications in this section, in all districts, whenever any new use is established or an existing one is enlarged.

1. OFF-STREET LOADING: Every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street loading berths in accordance with the table which follows:

OFF-STREET LOADING REQUIREMENTS

<u>USE</u>	<u>SQ. FEET OF FLOOR SPACE</u>	<u>REQUIRED OFF STREET LOADING</u>
Hotels / Offices	10,000 or more	1
Commercial	Up to 25,000	1
Hospitals (in addition to space for ambulance)	10,000 - 300,000 for each additional 300,000	1 1 additional
Schools	15,000 or more	1
Wholesale, Manufacturing or Storage	25,000 to 40,000	2
	40,000 to 60,000	3
	60,000 to 100,000	4
	for each additional 50,000	1 additional

Each loading space shall not be less than twelve (12) feet in width, sixty (60) feet in length, and fourteen (14) feet in height, and so designed as not to encroach upon the public right-of-way.

2. OFF-STREET PARKING:

- a) **SIZE AND ACCESS:** Each off-street parking space shall be not less than nine (9) feet wide by eighteen (18) feet long. All spaces shall have a ninety (90) degree orientation. A minimum twenty-five (25) foot aisle to accommodate two (2) way traffic shall also be provided. Except in the case of dwellings, no parking area shall contain less than three spaces. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto major roads or collector or arterial roads. Where a lot

does not abut on a public or private alley, or easement of access, there shall be provided an access drive that shall not be less than ten (10) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

- b) **NUMBER OF PARKING SPACES REQUIRED:** The number of off-street parking spaces required is set forth in the list below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

OFF-STREET PARKING SPACE REQUIREMENTS

USES	REQUIRED PARKING SPACES
Apartment houses	1.52 for each dwelling unit
Automobile sales/service garage	2.5 for each 1000 sq. ft of gross floor area
Banks and Offices	6.2 for each 1000 sq. ft of gross floor area
Carwash	1 space for each 2 peak shift employees, plus queue space for vehicle count equal to 1 ½ times the maximum hourly capacity of the facility.
Church	.68 per attendee
School	1 per classroom and other rooms used by students and/or faculty plus .25 per student over the driving age
Community/ civic buildings and social halls	.25 per person in permitted capacity
Clubs and lodges	.25 per person in permitted capacity
Doctors / Dentist offices	6.51 for each 1000 sq. ft.
Single family dwellings	2 for each dwelling unit
Duplexes	2 for each dwelling unit
Townhouses	2 for each dwelling unit
Quadrplex	2 for each dwelling unit
Bed and Breakfast Homestead	1 per unit/room plus 2 for owners/manager
Nursing homes	.33 per resident
Individual mobile homes	2 for each dwelling unit
Food supermarkets	5.61 for each 1000 sq. ft of gross floor area
Furniture/appliance store	4.61 for each 1000 sq. ft of gross floor area
Industrial/manufacturing establishments	2.67 for each 1000 sq. ft.
Restaurants/ taverns or night clubs	.67 for each 1000 sq. ft.
Retail stores and shops	3.3 for each 1000 sq. ft of gross floor area
Bowling Alley	1 per 3 persons permitted capacity
Motion Picture Theaters	single screen: 1 per every 2 seats Up to 5 screens: 1 per every 3 seats Over 5 screens: 1 per 3.5 seats
Service Station	3 for each service bay

Source: Transportation Planning Handbook, Second Edition, 1999.

- c) **HANDICAP PARKING SPACE REQUIREMENTS:** The following requirements for handicap accessible parking shall be observed:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 Percent of total
1001 and over	20 plus 1 for each 100 over 1000

Source: Federal register/Vol.56, No 144/Friday, July 26, 1991/Rules and Regulations

One (1) in every eight (8) accessible spaces, but no less than one (1), shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible".

- d) **LOCATION OF PARKING AREAS:** Required parking spaces shall be located in the same lot with the principal use. The ZHB, in Special Exception cases, may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the board finds that it is impractical to provide parking on the same lot with the principal use.
- e) **SCREENING AND LANDSCAPING:** Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district. (See definition of screening).
- f) **MINIMUM DISTANCE AND SET BACKS:** No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to

any adjoining property containing a dwelling, school, hospital, or similar institution.

g) **SURFACING:** With the exception of dwellings, all parking and loading areas and access drives shall be paved or graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking in accordance with the regulations of the Commonwealth of Pennsylvania.

h) **LIGHTING:** Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district, and away from roads or highways.

X. TRAFFIC REQUIREMENTS: A complete traffic analysis prepared, signed and sealed by a professional traffic Engineer identifying the impact of the proposed development on existing traffic and circulation patterns and proposing solutions to problems which may arise as a consequence of said proposed development. [all substantially in the form of the Pennsylvania Department of Transportation's current Appendix A "Guidelines for Preparation of a Traffic Impact Study."]

Traffic Impact Study. These regulations represent the minimum requirements and standards for preparation of a traffic impact study satisfying the reporting requirements of the Township for any development, subdivision, expansion or change in use within the Township. Also specified are the traffic level of service standards and minimum requirements which must be satisfied for future development impacts.

1. **TRAFFIC IMPACT STUDY REQUIREMENTS:** Any development, subdivision, expansion, or change in use which will generate, on average, 1000 or more vehicle trips per day; or 75 or more additional trips during the adjacent roadways' peak hours shall be required to have a traffic impact study completed as part of the development. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers or through studies of similar uses acceptable to the Township. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of land development to address the specific type and size of development.

Kilbuck Township may require a traffic study for developments or changes in use generating fewer than 75 additional trips during peak hours in cases where known traffic deficiencies exist in the area of the proposed development or change in use.

The Township may waive the traffic impact study requirement for an individual subdivision or development or change in use, if such development or change in use was incorporated as part of a previous traffic impact study or studies by the Township or other government agencies.

2. **TRAFFIC IMPACT STUDY CONTENTS AND SCOPE:** Kilbuck Township will provide a scope of study specifying the study area, intersections and any special requirements. Prior to initiation of the study, a meeting shall be held to review the scope of work. PennDOT may be invited to the meeting when appropriate. The study shall include the following:
- a) Description of the proposed project in terms of land use and magnitude.
 - b) An inventory and analysis of existing roadway and traffic conditions in the site environs including:
 - 1) Roadway network and traffic control;
 - 2) Existing traffic volumes in terms of peak hours and average daily traffic (ADT), where specifically requested;
 - 3) Planned roadway improvements by others;
 - 4) Intersection levels of service;
 - 5) Roadway levels of service (where requested);
 - 6) Other measures of roadway adequacy; i.e., lane-widths, traffic signal warrants and vehicle delay studies.
 - c) Projected site-generated traffic volumes in terms of:
 - 1) Peak hours and ADT (by phase if required);
 - 2) Approach/departure distribution including method of determination. This must be approved prior to performing future traffic analyses;
 - 3) Site traffic volumes in roadway.
 - d) An analysis of future traffic conditions, with and without the proposed development, including:
 - 1) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). If the study is required for PennDOT review, the future design year shall be consistent with PennDOT requirements;
 - 2) Intersection levels of service;
 - 3) Roadway levels of service (where appropriate);
 - 4) A pavement analysis of roadways which are projected to experience significant increases in ADT volumes (where appropriate);
 - 5) Other measures of roadway adequacy, i.e., lane-width; traffic signal warrants and vehicle delay studies.

- e) A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways.
- f) A description and analysis of the proposed access plan and site plan.
 - 1) On-site circulation plan showing parking locations and dimension, loading access, circulation plan showing parking locations and dimension, loading access, circulation roadway and traffic control;
 - 2) Driveway access plan showing location of driveways and new intersections including geometric conditions and traffic control.
- g) A qualitative analysis of transportation demand management measures including transit, pedestrian and bicycles, as well as telecommuting, flextime, ridesharing, etc.

3. STANDARDS FOR TRAFFIC CAPACITY AND ACCESS: New or modified streets and intersections shall be designed for adequate traffic capacity defined as follows, unless otherwise approved by the Municipal Engineer. All reference to levels of service (LOS) shall be as defined in the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

- a) Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development and PennDOT requirements;
- b) New unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement;
- c) New or modified (additional approach created) signalized intersections shall be designed for LOS C or better;
- d) Existing intersections impacted by development traffic shall maintain a minimum LOS D;
- e) Streets shall be designed for a minimum LOS C;
- f) Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

Y. SIGNS:

- 1. GENERAL PROVISIONS: No sign shall be permitted in any district except as hereinafter provided.

- a) In any district, a sign not exceeding two (2) square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located. No zoning certificate or fee shall be required.
- b) A bulletin board not exceeding fifteen (15) square feet is permitted in connection with any church, school or other public or semi-public structures.
- c) A temporary real estate or construction sign not exceeding twenty five (25) square feet in area, is permitted in the property being sold, leased, or developed. Such signs shall be removed within thirty (30) days of its function being fulfilled.
- d) Signs advertising candidacy for political office shall be permitted to be displayed in any district, provided that permission is granted by the owner of the property on which it shall be displayed under the following conditions:
 - 1) Signs shall be no larger than six (6) square feet in size, can be erected no sooner than four (4) weeks prior to the primary or general election and shall be removed within ten (10) days after the primary or general election.
 - 2) Such signs shall not be erected in the public right-of-way.
- e) Signs shall be permitted in connection with any commercial activity when located on the same premises, and if they meet the following requirements:
 - 1) Signs shall not contain information or advertising for any product not sold on the premises.
 - 2) Each business shall be permitted one (1) wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.
 - 3) Signs shall not have a combined aggregate surface size greater than one (1) square foot for each foot of width of the principal structure on the premises.
 - 4) Free standing pole signs not over twenty-five (25) feet in height, having a maximum total sign area of one-hundred (100) square feet or fifty (50) square feet for a two-sided sign or twenty-five (25) square

feet for a four sided sign, and located not closer than ten (10) feet to any street right-of-way line and not closer than one hundred (100) feet to any adjoining lot line, may be erected to serve a group of business establishments.

f) Advertising structures where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications.

- 1) For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.
- 2) At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one-hundred (100) feet from the established right-of-way of each highway or street unless the sign is high enough to permit full unobstructed sight distance in all directions.
- 3) Real estate signs and bulletin boards for a church, school, or other public or semi-public, religious or educational institution may be erected within ten (10) feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at any street or highway intersection.

2. ILLUMINATION: The following provisions shall be observed in the illumination of signs and advertising structures.

- a) All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- b) No illumination involving movement or causing the illusion of movements by reason of the lighting arrangement or other devices shall be permitted.

3. SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE:

- a) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

- b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.
- c) Works of art that do not include a commercial message.
- d) Holiday lights and decorations with no commercial message, but only between October 31 and January 31.
- e) Traffic control or incidental signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
- f) Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

4. SIGN PERMITS:

- a) One permit is good for the life of the sign.
- b) Any changes made to an existing sign, even if already permitted, requires a new sign permit.
- c) All signs currently in use are permitted under this ordinance; however, any modifications to the signs: 1. Require the filing of a sign permit, and 2. Must be in conformance with this ordinance.

Each application for a sign permit shall be accompanied by a drawing showing the design proposed and the size, character, and color of letters, lines, and symbols and the method of illumination and the exact location of the sign in relation to the building and property, and details and specifications for construction. A fee of \$1.00 per square feet of sign face shall accompany each application for a sign permit.

Z. SEXUALLY ORIENTED BUSINESS PERMIT APPLICATIONS

1. GENERAL:

- a) No sexually oriented business shall be in operation without an approved permit.
- b) An application for a permit to operate a sexually oriented business must be made on a form provided by the zoning officer of the township. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan

configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn marked with dimensions of the interior of the premises to any accuracy of plus or minus six (6) inches.

- c) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the zoning officer and the fire marshal.
- d) If a person who wishes to operate a sexually oriented business as an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has ten (10) percent or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten (10) percent or greater in the corporation must sign the application for a permit as applicant.
- e) The fact that a person possesses another type of township permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

2. ISSUANCE OF PERMIT:

- a) The township zoning officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
 - 1) An applicant is under the age of eighteen (18) .
 - 2) An applicant is overdue in his/her payment to the township of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - 3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 - 4) The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the zoning officer or the fire marshal as not being in compliance with the applicable laws and ordinances.
 - 5) The permit fee required by this ordinance has not been paid.

- 6) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
 - 7) An individual applicant or any individual holding a direct or indirect interest of more than ten (10) percent of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or person's convictions or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.
- b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 - c) The zoning officer and fire marshal shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the zoning officer. The certification shall be promptly presented to the zoning officer.
3. FEES: The annual fee for a sexually oriented business permit is five hundred (500) dollars.
4. INSPECTION:
- a) An applicant, or permittee, shall permit representatives of the police department, fire marshal, zoning officer, or other township departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.
 - b) If the township zoning officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the zoning officer finds that the basis for denial of the renewal permit has been corrected or abated.

5. **SUSPENSION OF PERMIT** The zoning officer shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or employee of a permittee has:

- a) Violated or is not in compliance with any section of this ordinance.
- b) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.
- c) Refused to allow inspection of the sexually oriented business premises as authorized by this chapter.
- d) Knowingly permitted gambling by any person on the sexually oriented business premises.

6. **REVOCATION OF PERMIT:**

- a) The zoning officer shall revoke a permit if a cause of suspension set forth in section 1300.05 (Q)(5) occurs and the permit has been suspended within the preceding twelve (12) months.
- b) The zoning officer shall revoke a permit if he/she determines that:
 - 1) a permittee, or any of the persons specified in section 1300.05 (Q)(2), is or has been convicted of the offenses specified in section 1300.05(Q)(6);
 - 2) a permittee gave false or misleading information in the material submitted to the township during the application process;
 - 3) a permittee or an employee of a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - 4) a permittee or an employee of a permittee has knowingly allowed prostitution on the premise;
 - 5) a permittee or an employee of the permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - 6) a permittee or an employee of a permittee has knowingly allowed any act of prostitution to occur in or on the permitted premises;

- 7) a permittee is delinquent in payment to the township or state of any taxes or fees related to sexually oriented businesses.
 - c) When the zoning officer revokes a permit, the revocation shall continue for one (1) year, and the premises shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective, except that if the revocation is pursuant to 1300.05 (Q)(6)(b) above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony.
 - d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.
7. TRANSFER OF PERMIT: A permittee shall not transfer his permit to another person. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.
8. EXEMPTIONS:
- a) It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
 - 1) by a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;
 - 2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
 - 3) in a structure -
 - I. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and
 - II. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - III. where no more than one (1) nude model is on the premises at any one time.

9. INJUNCTIONS: A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this ordinance is subject to an action in equity suit for injunction.

ADMINISTRATION, ENFORCEMENT AND APPEALS

A. ZONING OFFICER:

The Board of Supervisors shall appoint the zoning officer who shall administer and enforce the provisions of this ordinance, and shall do so in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

B. DUTIES OF THE OFFICER:

The zoning officer shall literally interpret and enforce all the provisions of the zoning ordinance and shall have such duties and powers as are conferred on him/her by the zoning ordinance and are reasonably implied for that purpose.

1. Applications, zoning certificates, building permits and inspections in accordance with the provisions of the zoning ordinance.
2. Inspection: The zoning officer may examine, or cause to be examined, all structures and/or land for which an application has been filed for a zoning certificate, and he/she may conduct such inspections from time to time, during and at completion of the work for which a zoning certificate has been issued
3. Non-conforming uses: The zoning officer shall keep an up-to-date list of all non-conforming uses.

C. ZONING CERTIFICATE/REQUIREMENTS:

1. Until the zoning officer has issued a zoning certificate applicable thereto, no person shall:
 - a) Occupy or use any vacant land.
 - b) Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.
 - c) Change the use of a structure or land to a different use.
 - d) Change or alter a non-conforming use.
2. Expiration of the zoning certificate: The zoning certificate/ building permit shall expire six (6) months from the date of its issuance.

3. Application Fees: Each applicant for a zoning certificate/building permit shall present with the application, a plan of the property showing, clearly and completely, the location, dimensions and nature of any structure involved and any other information the zoning officer may require so as to comply with this ordinance, together with a filing fee in accordance with the schedule of same.
4. Records: The zoning officer shall maintain a permanent file of all zoning certificates/building permits and applications as public record.

D. BUILDING PERMITS:

Each applicant for a zoning certificate/building permit shall also apply for an occupancy permit, together with a filing fee in accordance with the schedule.

E. VIOLATIONS:

1. When it appears to the township and/or the zoning officer that a violation has occurred, the zoning officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
 - a) The name of the owner of record and any other person against whom the township intends to take action.
 - b) The location of the property in violation.
 - c) The specific violation with a description of the requirements which have not been met, citing, in each instance, the applicable provisions of the ordinance.
 - d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e) That the recipient of the notice has the right to appeal to the ZHB within a prescribed period of time in accordance with procedures set forth in this ordinance.
 - f) That failure to comply with the notice within the time specified, unless extended by appeal to the ZHB, constitutes a violation.
 - g) In any appeal of an enforcement notice to the ZHB, the municipality shall have the responsibility of presenting its evidence first.

- h) Any filing fees paid by a party to appeal an enforcement notice to the ZHB shall be returned to the appealing party by the municipality if the ZHB, or any court in a subsequent appeal, rules in the appealing party's favor.
2. In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the township, the zoning officer of the township, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the board of supervisors of the Township of Kilbuck. No such action may be maintained until such notice has been given.
 3. District Justices shall have initial jurisdiction over proceedings brought under this section.
 4. Any person or the partners, owners, managers or members of any partnership or corporation who or which has violated or permitted violation of the provisions of this zoning ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Kilbuck, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ordinance shall be paid over to Kilbuck Township.

The appropriate percentage of the fines levied for violation of this zoning ordinance shall be paid over to the township.

Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the township, its solicitor, its code enforcement officer, or its zoning officer the right to initiate or prosecute any action for enforcement pursuant to this section.

F. APPEALS:

The procedure and time limitations for appeal from any ordinance, decision, determination, or order of the board of supervisors, zoning officer, zoning ZHB, or other applicable agency or officer of the municipality, in the enactment of administration of this ordinance, shall be in conformance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended).

ZONING HEARING BOARD

A. GENERAL:

1. In accordance with Article IX of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board (hereinafter referred to as the ZHB) shall be appointed and organized. This ZHB shall hold meetings, keep minutes, and pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions, all as required by law. For filing of any appeal or proceeding with the ZHB, a fee shall be charged in accordance with the schedule.
2. Except as provided in the Pennsylvania Municipalities Planning Code, the ZHB shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the supervisors.

B. APPEALS:

Any person or township official aggrieved or affected by any provision of this ordinance or by any decision of the zoning officer, may appeal to the board within thirty (30) days, as provided by rules of the ZHB, by filing a notice of appeal specifying the grounds thereof. The ZHB shall have the power to hear and decide appeals from any order, requirement, decision, grant, or refusal made by the zoning officer in the administration of this ordinance. All appeals and applications made to the ZHB shall be in writing on forms prescribed by the board of supervisors.

1. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance should be granted.
2. The hearings shall be conducted in accordance with section 908 of the Pennsylvania Municipalities Planning Code. The ZHB may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings, shall be made by the ZHB, but the parties may waive decision of findings by the ZHB and accept the decision of the hearing officer as final.
3. Where the ZHB has jurisdiction over a zoning matter, it shall also hear all appeals which an applicant may elect to bring before it with respect to any township ordinance or requirement pertaining to the same development plan or development. In any such case, the ZHB shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon, as provided in section 908 of the

Planning Code. At the conclusion of the hearing, the ZHB shall make findings on all relevant issues of fact which shall become part of record on appeal to court.

C. VARIANCES:

In accordance with Section of 910.2 of the Pennsylvania Municipalities Planning Code, the ZHB, upon appeal, shall have power to authorize variances from the provision of this ordinance. The applicant must provide evidence to the ZHB of the need for the variance based upon the following criteria:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

D. NON-CONFORMING USES:

The ZHB shall have the power to authorize changes of lawful non-conforming uses as follows in accordance with this ordinance.

1. A non-conforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.

2. The ZHB may impose such conditions as it deems necessary for the protection of adjacent property and public interest. No changes of a non-conforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

E. APPEAL FROM THE ZHB'S DECISION:

Any person aggrieved by any decision of the ZHB, or any taxpayer of the Township of Kilbuck, may within thirty (30) days after notice of such decision of the board, appeal in accordance with the Pennsylvania Municipalities Planning Code.

AMENDMENTS

A. GENERAL:

The board of supervisors may introduce and/or consider amendments to this ordinance and to the zoning map, as proposed by a member of the board of supervisors, the planning commission, or by a petition of a person or persons residing or owning property within the township.

B. PETITIONS:

Petitions for amendments shall be filed with the planning commission and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with the fee schedule. The planning commission shall review the proposed amendment and report its findings and recommendations in writing to the board of supervisors.

Any proposed amendment presented to the board of supervisors without written findings and recommendations from the Kilbuck Township Planning Commission and the Allegheny County Department of Economic Development shall be referred to these agencies for review prior to the public hearing by the township supervisors. A thirty (30) day review period shall be allowed before the township supervisors take final action on the amendment.

C. ACTION:

Before acting upon a proposed amendment, the board of supervisors shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two consecutive weeks in a newspaper of general circulation and in the legal newspaper of the township. The first publication shall be not more than thirty (30) days and the second publication no less than seven (7) days from the date of the hearing.

D. CURATIVE AMENDMENTS:

A landowner who desires to challenge on substantive grounds the validity of this zoning ordinance or map, or any provision thereof, which prohibits or restricts the use of development of land in which he/she has an interest, may substitute a curative amendment to the board of supervisors with a written request that his/her challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. As with other proposed amendments, the curative amendment shall be referred to the Kilbuck Township Planning Commission and the Allegheny County Department of Economic Development at least thirty (30) days before the hearing is conducted.

REPEALER

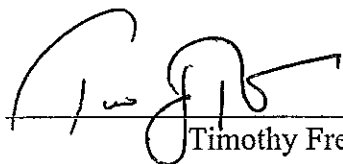
Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed except as provided for in this ordinance.

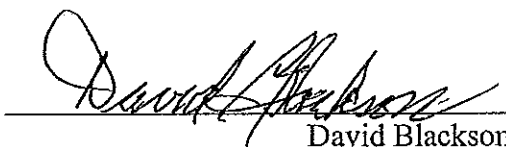
EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by the Kilbuck Township Board of Supervisors.

ENACTED AND ORDAINED this 15 day of Feb., 2000.

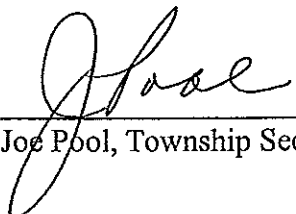
KILBUCK TOWNSHIP BOARD OF SUPERVISORS


Timothy Frew, Chairman

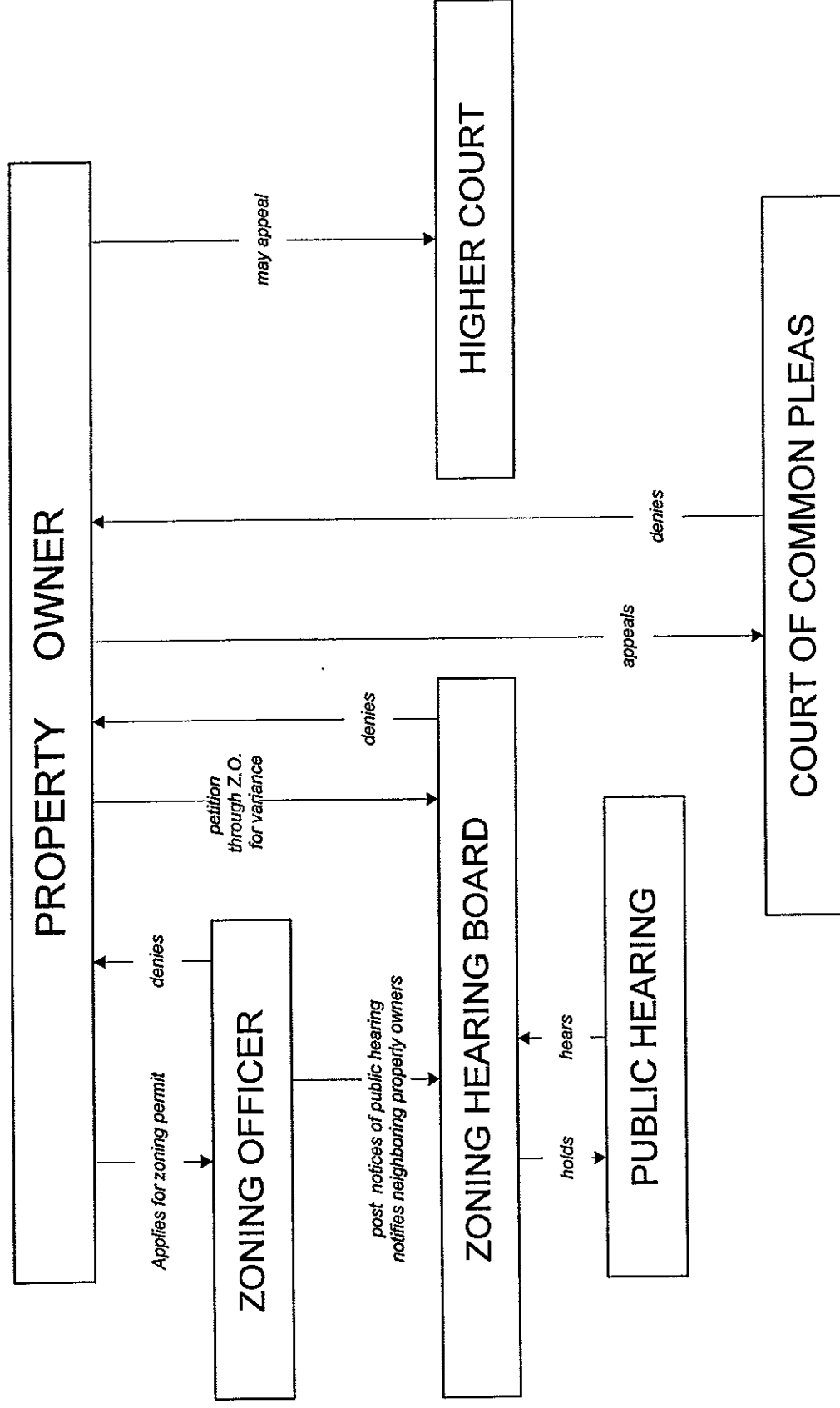

David Blackson

David Anderson

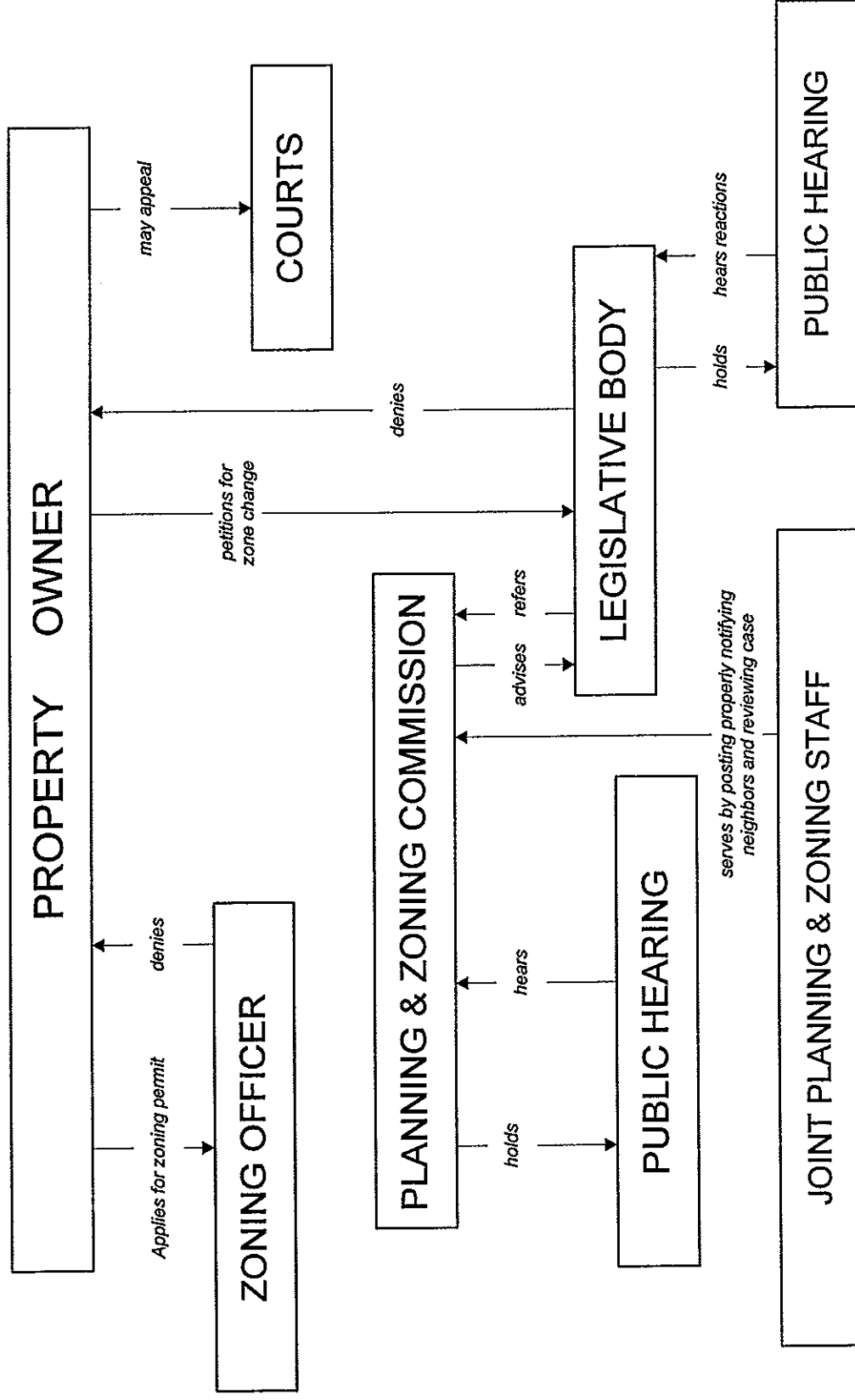
ATTEST:


Joe Pool, Township Secretary

APPEAL PROCEDURE



REZONING PROCEDURE



A ZONING COURSE FOR PUBLIC OFFICIALS

PUBLIC SERVICE INSTITUTE