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**PART 1**

**BASIC PROVISIONS**

**§27-101. Title.**

This Chapter may be cited as the “Kiskiminetas Township Zoning Ordinance”. (*Ord. 2-1989*,

11/8/1989, §101)

**§27-102. Defined Words.**

Words used in a special sense in this Chapter are defined in Part 6.

(*Ord. 2-1989*, 11/8/1989, §103)

**§27-103. Community Development Objectives.**

The community development objectives which are the basis for the provisions of this Chapter are set forth in the Comprehensive Plan as adopted and amended by the Board of Supervisors.

(*Ord. 2-1989*, 11/8/1989, §104)

**§27-104. Zoning Map.**

A map entitled “Kiskiminetas Township Zoning Map” is hereby adopted as a part of this Chapter. The zoning map shall be kept on file for examination in the office of the Township Secretary in the Township offices.

(*Ord. 2-1989*, 11/8/1989, §105)

**§27-105. Compliance.**

No structure shall be located, erected, constructed, reconstructed, moved, altered, 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 Chapter and after the lawful issuance of all permits and certificates required by this Chapter.

(*Ord. 2-1989*, 11/8/1989, §106)

**§27-106. Interpretation.**

The provisions of this Chapter shall be held to the minimum requirements for the protection of the health, safety, ~~morals~~ and general welfare of Kiskiminetas Township.

(*Ord. 2-1989*, 11/8/1989, §108)

**PART 2**

**DISTRICT REGULATIONS**

**§27-201. Zoning Districts.**

The Township is divided into the districts stated on Table 201 as shown by the district boundaries on the zoning map.

(*Ord. 2-1989*, 11/8/1989, §201)

**§27-202. District Boundaries.**

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location 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 Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Chapter.

(*Ord. 2-1989*, 11/8/1989, §202)

**§27-203. Permitted Uses.**

The permitted uses for each district are shown on Table 201:

1. A permitted use shall be reviewed and approved as if it were a conditional use if the Zoning Officer determines that such use is:
2. Adjacent to any natural or artificial body of water.
3. Within 200 feet of the intersection of any arterial or collector road.
4. To be developed on a site having land exceeding a slope of 25% or having other recognized hazardous geologic condition.
5. Within the landing approach area of an aircraft or helicopter landing facility.
6. Within a floodplain.
7. Of unique historic significance **as noted by county historical society.**

(*Ord. 2-1989*, 11/8/1989, §203)

**§27-204. Conditional Uses.**

1. The Board of Supervisors may authorize conditional uses as specified on Table 201 if all conditions and provisions of Part 4 are met.
2. *Uses* in the following categories shall be considered as and may be approved only as conditional uses. Any permitted use or structure at an intersection or interchange of a major thoroughfare or transportation artery; at a natural or artificial body of water; at a place of relatively steep slope or grade or other area of hazardous geological or topographic feature; at a place of historical or patriotic interest or value; at a floodplain area; or at other places having a special character or use affecting and affected by their surroundings.

(*Ord. 2-1989*, 11/8/1989, §204)

**§27-205. Prohibited Uses.**

Uses not specifically listed as permitted or conditional uses in a district shall be prohibited in that district.

(*Ord. 2-1989*, 11/8/1989, §205)

**§27-206. Lot and Yard Requirements.**

The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard for each district shall be as shown on Table 201:

1. Where septic tanks or on lot sewage treatment occurs, the minimum lot size shall not be less than required by the sewerage enforcement agency and in no case shall it be less than 1 acre.
2. Two principal structure, together with permitted accessory structures, may be located on any lot provided that minimum front, side arid rear yards are provided for each principal structure. Two or more principal structures may be permitted as a planned residential development after approval and recording of the development plan as require by ordinance. *[Ord. 2-1994]*
3. Lots which abut on more than one street shall provide the required front yards along every street.
4. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into a required front, side or rear yard, except as provided herein.
5. Structures accessory to single family residences may extend into required rear and side yards, but not closer than 10 feet to rear and side yard lot lines.
6. Minor utility fixtures, unenclosed patios and articles of decoration around a main building may be located in any required yard.
7. A buttress, chimney, cornice, pier, or pilaster extending no more than 24 inches from the wall of the principal structure may be located in any required yard.
8. The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be nonconforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.
9. Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of the district regulations of this Chapter, shall not be counted again as required yard or lot area per family for another building.
10. No required yard in any district shall be used for parking vehicles except on a driveway. In single family developments, not more than 25% of the front yard may be devoted to driveway access. In single family attached developments, not more than 50% of the front yard may be devoted to driveway access. In multiple family developments, not more than 50% of the front yard may be devoted to driveway access. In nonresidential districts, driveway access shall be as permitted by site plan approval.
11. Nonresidential structures or uses shall not be located or conducted closer to any other lot line of any lot in any “R” District than the distance specified in ~~the following schedule~~ Table 201.

**~~Minimum Side or Rear Yard Abutting Any Lot in Any “R” District~~**

**~~Minimum Yard Depth Use~~**

**~~20 feet~~ ~~Off street parking spaces, access drives for~~**

**~~Nonresidential uses.~~**

**~~40 feet~~ ~~Churches, schools, public or semipublic structures.~~**

**~~70 feet~~ ~~Recreation facilities, entertainment facility, motels, all~~**

**~~Business uses~~**

**~~100 feet~~ ~~All Industrial uses.~~**

~~(~~*~~Ord. 2-1989~~*~~, 11/8/1989, §206; as amended by~~ *~~Ord. 2-1994~~*~~, 6/8/1994, §2)~~

**§27-207. Height Regulations.**

No structure shall exceed 45 feet in height above average ground level unless approved by the Zoning Hearing Board. The Board may authorize a variance to the height regulations in any district if:

1. All front, side and rear yard depths are increased by one foot for each additional foot of height.
2. The structure is any of the following and does not constitute a hazard to an established airport, television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flag poles.

(*Ord. 2-1989*, 11/8/1989, §207)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Table -201 Permitted or Conditional Use by Zoning District**  RES – Residential, AG-RES Agricultural Residential, AG – Agricultural, BUS – Business, IND – Industrial  P – Permitted Use, C- Conditional Use | | | | | |
|  | RES | AG-RES | AG | BUS | IND. |
| Accessory Uses | P | P | P | P | P |
| Adult Day Care Facility | C | C | C | P |  |
| Agricultural Building |  | C | P |  |  |
| Agricultural Operation |  | C | P |  |  |
| Airport (Private) |  | C | C | C | C |
| Airport (Public) |  |  | C | C | C |
| Amateur Radio Antenna | C | C | P |  |  |
| Amusement/ Recreation Center |  |  | C | C | P |
| Amusement Park |  |  | C |  | C |
| Animal Boarding Facility |  | C | P |  |  |
| Animal Clinic |  | C | C | C |  |
| Animal Feeding Operation (AFO) |  |  | P |  |  |
| Animal Hospital & Veterinary Clinic |  | C | C | C |  |
| Animal Shelter |  | C | C |  |  |
| Apar Apartment Buildings | C | C |  |  |  |
| Arena |  | C | C |  |  |
| Art, Craft or Antique Shop | C | C | P | P |  |
| Art Gallery/ Museum | C | C | C | P |  |
| Automobile Repair / Service |  | C | C | C | P |
| Automobile Sales |  | C |  | C |  |
| Assis Assisted Living Facility | C | C | C | C |  |
| Bak Bakery |  | C | C | P | P |
| Bank / Financial Institution |  |  |  | P | C |
| Barber Shop/ Beauty Salon | C | C | C | P |  |
| Brewery Pub |  | C | C | P |  |
| Bed and Breakfast Inn | C | P | P | C |  |
| Bicycle Sales and Service |  | C | C | P |  |
| Bo Boarding House | C | C | C |  |  |
| Broadcasting Studio |  |  |  | C | P |
| Boat and Marine Sales / Service |  |  |  | P | C |
| Building Material Facility |  | C | C | C | P |
| Bus and Other Transit Vehicle Terminal, Depot and Passenger Station |  |  |  | C | P |
| Bus Station |  |  |  | C | P |
| Bus / Transit Shelter | C | C | C | C | C |
| Business / Trade School |  |  | C | C | P |
| Catering Business |  | C | C | P | P |
| Campground |  | C | C |  |  |
| Car Wash |  | C |  | P |  |
| **Table -201 Permitted or Conditional Use by Zoning District**  RES – Residential, AG-RES Agricultural Residential, AG – Agricultural, BUS – Business, IND – Industrial  P – Permitted Use, C- Conditional Use | | | | | |
|  | RES | AG-RES | AG | BUS | IND. |
| Cemetery / Mausoleum |  | C | C |  |  |
| Child Day Care Center | C | C |  | P |  |
| Clothing / Wearing Apparel Sales/Service |  | C | C | P |  |
| Club |  | C | C |  |  |
| Commercial Boarding Stable |  | C | P |  |  |
| Commercial Parking Facility |  |  |  |  | P |
| Communications Antenna |  | C | C | C | C |
| Communications Equipment Building |  | C | C | C | C |
| Communications Tower |  | C | C | C | C |
| Co Community Center | C | C |  |  |  |
| Co Continuing Care Facility |  | C | C |  |  |
| Concentrated Animal Feeding Operation |  | C | C |  |  |
| Concentrated Animal Operation (CAO) |  |  | P |  |  |
| Condos | C | C |  |  |  |
| Convenience Store |  | C |  | P | P |
| Convenience Store (selling gasoline) |  |  |  | P | P |
| Conversion Apartments | C | C | C | C |  |
| Copying/ Printing Service |  | C |  | P | P |
| Correctional Facility |  |  |  |  | C |
| Crematorium |  |  |  | C | C |
| Dance Studio |  |  |  | P |  |
| Day Care Facility | C | C |  | C |  |
| Dep Dependent Dwelling | C |  |  |  |  |
| Distribution Facility |  |  |  |  | P |
| Domiciliary Care Home | C | C | C |  |  |
| Dry Cleaner |  |  |  | P | P |
| Electric Sales and Contracting |  |  |  | C | P |
| Essential Communications Antenna |  | C | C | C | C |
| Essential Communications Tower |  | C | C | C | C |
| Essential Services |  | C | C | C | C |
| Equestrian Facility |  | C | P |  |  |
| Equipment Rental / Repair |  | C | P | C | P |
| Extractive Industry |  |  | C |  |  |
| Fairground |  |  | C |  |  |
| Farm |  | C | P |  |  |
| Farm Equipment and Supply Sales |  | C | P |  | P |
| Farmers Market |  | P | P | P |  |
| Flea Market |  | C | C | C |  |
| Florist Shop |  | C |  | P |  |
| **Table -201 Permitted or Conditional Use by Zoning District**  RES – Residential, AG-RES Agricultural Residential, AG – Agricultural, BUS – Business, IND – Industrial  P – Permitted Use, C- Conditional Use | | | | | |
|  | RES | AG-RES | AG | BUS | IND. |
| Fortune Teller / Psychic / Astrologer |  | C |  | P |  |
| Forestry Activities |  |  | P |  | P |
| Freight Terminal |  |  |  |  | P |
| Frozen Food Locker |  |  | C |  | P |
| Fruit and Vegetable Stand |  | C | P | C |  |
| Fune Funeral Homes | C | C |  | C |  |
| Garage (Public) |  |  |  | C | P |
| Garden Center |  | C | P | P |  |
| Gasoline Service Station |  |  |  | P | P |
| Gre Greenhouse (Private) | C | P | P |  |  |
| Greenhouse (Commercial) |  | C | P | P | P |
| Group Care Facility |  | C | C |  |  |
| Group Child Day Care Facility | C | C |  | C |  |
| Group Home |  | C |  |  |  |
| Halfway House |  |  | C | C |  |
| Hardware / Home Improvement Store |  |  |  | P | P |
| Heal Health Clinic |  | C |  | P |  |
| Health Club/ Fitness Center |  | C |  | P | P |
| Hospital/Clinic |  |  |  | P |  |
| Heliport |  |  |  |  | C |
| Hotel / Motel |  |  |  | C | P |
| Housing for the Elderly |  | C | C |  |  |
| Incinerator |  |  |  |  | C |
| Independent Living Facility | P | P |  |  |  |
| Insti Institutional Home | C | C |  |  |  |
| Junkyard |  |  | C |  | C |
| Kennel |  | C | C | C | C |
| Laboratory |  |  |  |  | C |
| Landing Strip |  |  | C |  | C |
| Laundromat |  |  |  | P | P |
| Library |  | P |  | P |  |
| Livestock Intensive Operation (LIO) |  | C | P |  |  |
| Low Impact Home Based Business | C | C | C |  |  |
| Lumber / Building Material Yard |  |  |  | P | P |
| Massage Therapy Business | C | C | C | P |  |
| Meat Packing House |  |  | C | C | P |
| Medical Center |  |  |  | C | P |
| Methadone Treatment Facility |  |  |  |  | C |
| Mining/Mineral Extraction |  | C | C |  |  |
| **Table -201 Permitted or Conditional Use by Zoning District**  RES – Residential, AG-RES Agricultural Residential, AG – Agricultural, BUS – Business, IND – Industrial  P – Permitted Use, C- Conditional Use | | | | | |
|  | RES | AG-RES | AG | BUS | IND. |
| Mobile or Modular Home | C | P | P |  |  |
| Mobi Mobile Home Park |  | C | C |  |  |
| Mother in Law Apartment | C | C | C |  |  |
| Movie Theater |  |  |  | P |  |
| Nightclub |  |  |  | C |  |
| No Impact Home- Based Business | P | P | P |  |  |
| Nursery |  | P | P |  |  |
| Nursing Home |  | C |  |  |  |
| Oi Oil and Gas Wells |  | C | C |  | C |
| One Family Dwelling | P | P | P |  |  |
| Parcel Delivery Facility |  |  |  | C | P |
| Parking Facilities (Park and Ride) |  |  |  | C | C |
| Personal Care Facility |  | C | C |  |  |
| Personal Service Establishment |  | C | C | P |  |
| Pharmacy |  |  |  | P |  |
| P Photographic Studio |  | C |  | P |  |
| Places of Public Assembly |  | C | C | C | C |
| Place of Worship ( including parish houses and Educational buildings) | C | P | P |  |  |
| Planned Residential Development | C | C | C |  |  |
| Plumbing Sales / Contracting |  |  |  | P | P |
| Post Secondary School |  |  | C | C | P |
| Pre School | C | P |  | C |  |
| Primary / Secondary School | C | P | C | C |  |
| Private Stable |  | C | P |  |  |
| Professional Offices / Group Practices |  |  |  | P | P |
| Public Parks/Grounds | P | P | P |  |  |
| Public Utility Service Facility/Structure | C | C | C | C | P |
| Race Track |  |  | C |  |  |
| Railroad Yard / Terminal Facility |  |  |  |  | C |
| Recreational Club |  | C | C | C |  |
| Recreational Vehicle Park |  | C | C |  |  |
| Recycling Facility |  | C |  | C | P |
| Research and Development Facility |  |  |  |  | P |
| Resource Recovery Facility |  |  | C |  | P |
| Restaurant | C | C | C | P | P |
| Retail Stores (<5000 square feet) |  |  |  | P |  |
| Retail Stores (>5000 square feet) |  |  |  | P |  |
| Riding / Rental Stable |  | C | P |  |  |
| **Table -201 Permitted or Conditional Use by Zoning District**  RES – Residential, AG-RES Agricultural Residential, AG – Agricultural, BUS – Business, IND – Industrial  P – Permitted Use, C- Conditional Use | | | | | |
|  | RES | AG-RES | AG | BUS | IND. |
| Salvage Yard |  |  |  |  | C |
| Self-Storage Facility |  | C | C | C | P |
| Sexually Oriented Business |  |  |  |  | C |
| Single Family Dwelling | P | P | P |  |  |
| Shopping Center |  | C |  | P |  |
| Skilled Nursing Facility |  | C |  | C |  |
| Slaughter House |  |  | P |  | P |
| Solid Waste Disposal Area |  |  |  |  | C |
| Swimming Pool (Private) | P | P | P |  |  |
| Swimming Pool (Commercial / Public /Semi-public) |  | C |  | C |  |
| Tattoo Parlor | C | C | C | P |  |
| Tavern / Drinking Establishment |  |  |  | C |  |
| Theater |  |  |  | P |  |
| Townhouses | P | P |  |  |  |
| Transportation Services |  |  |  | C | C |
| Transfer Facility |  |  |  |  | C |
| Travel Plaza |  |  |  | C |  |
| Truck Terminal |  |  |  |  | P |
| Two Family Dwelling | P | P | P |  |  |
| Vehicle Sales / Rental and Service |  | C |  | C |  |
| Veterinary Office / Animal Hospital |  | C | P | C |  |
| Warehouse |  |  |  |  | P |
| Wholesale Establishment |  |  |  | P | P |
| Winery |  | C | C | C |  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **~~District~~** | | | **~~"A" Agricultural~~** | | **~~"A-R" Agricultural Residential~~** | **~~"R" Residential~~** | | *~~"R-S" Suburban Residential~~* | | | **~~"B" Business~~** | **~~"I" Industrial~~** | |
| ~~Permitted use~~ | | ~~Agricultural~~ | | | ~~Agricultural~~ | ~~Agricultural~~ | | *~~Single family dwelling~~* | | | ~~Retail stores~~ | ~~Light~~  ~~Manufacturing~~ | |
|  | | | ~~Single family dwelling~~ | | ~~Single family dwelling~~ | ~~Single family dwelling~~ | | *~~Two family dwelling~~* | | | ~~Restaurant, bar~~ |  | |
|  | | | ~~Public and parochial school~~ | | ~~Public and parochial school~~ | ~~Public and parochial school~~ | | *~~Public and parochial schools~~* | | | ~~Personal services~~ | ~~Research laboratory~~ | |
|  | | | ~~Public parks and playgrounds~~ | | ~~Public parks and playgrounds~~ | ~~Public parks and playgrounds~~ | | *~~Townhouses~~* | | | ~~Business services~~ | ~~Office~~ | |
|  | | | ~~Churches~~ | | ~~Churches~~ | ~~Churches~~ | | *~~Churches~~* | | | ~~Theater~~ | ~~Warehousing~~ | |
|  | | | ~~Mobile/modular homes~~ | | ~~Mobile/modular homes~~ | ~~Mobile modular homes~~ | | *~~Public parks and playgrounds~~* | | | ~~Office, bank~~ | ~~Wholesale distributor~~ | |
|  | | | ~~Accessory uses~~ | | ~~Accessory uses~~ | ~~Accessory uses~~ | | *~~Accessory uses~~* | | | ~~Accessory uses~~ | ~~Accessory uses~~ | |
|  | | | ~~Two family dwelling~~ | | ~~No-impact home based business [A.0.]~~  ~~‑~~ | ~~No-impact home based business [A.0.]~~ | | *~~No-impact home based business [A.0.]~~* | | | ~~Motel~~ | ~~Contractor's yard~~ | |
|  | | | ~~No-impact home based business~~ | | ~~Two family dwelling~~ | ~~Two family dwelling~~ | |  | | | ~~Amusement uses~~ | ~~Truck terminal~~ | |
|  | | | ~~Mini Storage Facility~~ | | ~~Mini Storage Facility~~ | ~~No-impact home based business~~ | |  | | | ~~Recreation places~~ | ~~Public building~~ | |
|  | | | ~~Animal Boarding Facility~~ | | ~~No-impact home based business~~ | ~~Townhouses~~ | |  | | | ~~Commercial School~~ | ~~Agricultural~~ | |
|  | | | ~~Animal Clinic~~ | | ~~Townhouses~~ |  | |  | | | ~~Public utility building~~ | **~~Bus terminal~~** | |
|  | | |  | |  |  | |  | | | ~~Auto service repair~~ | ~~Mini Storage Facility~~ | |
|  | | |  | |  |  | |  | | | ~~Mini Storage Facility~~ |  | |
|  | | |  | |  |  | |  | | |  |  | |
|  | | |  | |  |  | |  | | |  |  | |
| **~~District~~** | | **~~"A" Agricultural~~** | | | **~~"A-R" Agricultural Residential~~** | | | **~~"R" Residential~~** | | ***~~"R-S" Suburban Residential~~*** | **~~"B" Business~~** | | | **~~"I" Industrial~~** | |
|  | |  | | |  | | |  | |  |  | | |  | |
| **~~Conditional~~ *~~Uses~~*** | | ~~Cemeteries~~ | | | ~~Airport~~ | | | ~~Cemeteries~~ | | *~~Apartments~~* | ~~Apartments~~ | | | ~~Auto salvage~~ | |
|  | | ~~Directional signs~~ *~~[Ord. 2-1994]~~* | | | ~~Cemeteries~~ | | | ~~Dependent dwelling~~ | |  | ~~Commercial~~  ~~recreation~~ | | | ~~Commercial recreation~~ | |
|  | | ~~Family business~~ | | | ~~Dependent dwelling~~ | | | ~~Directional sign~~ *~~[Ord. 2-1994]~~* | | *~~Directional sign [Ord. 2-1994]~~* | ~~Directional sign~~ *~~[Ord. 2-1994]~~* | | | ~~Direction signs~~ *~~[Ord. 2-1994]~~* | |
|  | | ~~Golf courses~~ *~~[Ord. 5 / 12 / 1999]~~* | | | ~~Directional sign~~  ~~[Ord. 2-1994]~~ | | | ~~Group homes~~ | | *~~Funeral homes~~* | ~~Light~~  ~~manufacturing~~ | | | ~~Industrial park~~ | |
|  | | ~~Mineral extraction~~ | | | ~~Mineral extraction~~ | | | ~~Hospital, clinic~~ | | *~~Hospital~~* | ~~Mobile home sales~~ | | | ~~Manufacturing~~ | |
|  | | ~~Mobile home park~~ | | | ~~Mobile home park~~ | | | ~~Nursery school~~ | | *~~Oil and gas wells~~* | ~~Oil and gas wells~~ | | | ~~Mineral extraction~~ | |
|  | | ~~Oil and gas wells~~ | | | ~~Oil and gas wells~~ | | | ~~Oil and gas wells~~ | | *~~Personal care homes~~* | ~~Research laboratory~~ | | | ~~Oil and gas wells~~ | |
|  | | ~~Open recreation~~ | | | ~~Open recreation~~ | | | ~~Open recreation~~ | | *~~Public buildings~~* | ~~Shopping centers~~ | | | ~~Personal, business services~~ | |
|  | | ~~Personal care homes~~ | | | ~~Personal care homes~~ | | | ~~Personal care homes~~ | |  | ~~Single family dwelling~~ | | | ~~Restaurant, bar~~ | |
|  | | ~~Sanitary land fill~~ | | | ~~Public utility buildingstructures~~ | | | ~~Public utility building~~ | |  | ~~Wholesale businesses~~ | | | ~~Retail store~~ | |
|  | | ~~Airport~~ | | | ~~Recreation club~~ | | | ~~Public building~~ | |  | **~~Bus terminal~~** | | | ~~Animal Clinic~~ | |
|  | | ~~Dependent dwelling~~ | | | ~~Animal Clinic~~ | | | ~~Recreation club~~ | |  | ~~Funeral homes~~ | | | ~~Kennels~~ | |
|  | | ~~Public building~~ | | | ~~Telecommunication Towers~~ | | | ~~Apartments~~ | |  | ~~Hospital/clinic~~ | | | ~~Animal Boading Facility~~ | |
|  | | ~~Public utility structures~~ | | | ~~Animal Boading Facility~~ | | | ~~Commercial dwelling~~ | |  | ~~Personal care home~~ | | | ~~Telecommunication Towers~~ | |
|  | | ~~Recreation club~~ | | | ~~Apartments~~ | | | ~~Funeral homes~~ | |  | ~~Animal Clinic~~ | | |  | |
|  | | ~~Telecommunication Towers~~ | | | ~~Commercial dwelling~~ | | |  | |  | ~~Kennels~~ | | |  | |
|  | |  | | | ~~Funeral homes~~ | | |  | |  | ~~Animal Boading Facility~~ | | |  | |
|  | | ~~Low impact home based business~~ | | | ~~Low impact home based business~~ | | | ~~Low impact home based business~~ | |  |  | | |  | |
|  | |  | | |  | | |  | |  |  | | |  | |
| **Optional Development**  **Minimum Lot Area** | | Planned residential development  1 acre | | | Planned residential development  1 acre | | | Planned residential development  12,000 sq. ft. | | *~~Planned residential development~~*  *~~7,500 sq. ft.~~* | Planned residential development  1 acre | | | Planned residential development  **1** acre | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ZONING  **ESTABLISHED LOT AND SET BACK RULE (TABLE 201)** (27, PART 2) | | | | | | |
|  | | | | | | |
| **District** | **"A" Agricultural** | **"A-R" Agricultural Residential** | **"R" Residential** | ***~~"R-S" Suburban Residential~~*** | **"B" Business** | **"I" Industrial** |
| Per Family | 1 acre | 1 acre | 12,000 sq. ft. | *~~2,500 sq. ft.~~* | 1 acre | *~~1 acre~~*  2 acres |
| Min. Width | 150 feet | 150 feet | 80 feet | *~~60 feet~~* | 150 feet | *~~150 feet~~*  300 feet |
| Front Yard | 40 feet | 30 feet | *~~35 feet~~*  30 feet | *~~35 feet~~* | 35 feet | *~~35 feet~~*  50 feet |
| Side Yard | 20 feet | 20 feet | 10 feet | *~~10 feet~~* | 20 feet | *~~20 feet~~*  50 feet |
| Rear Yard | 30 feet | 30 feet | ~~30 feet~~  20 feet | *~~25 feet~~* | 20 feet | *~~20 feet~~*  50 feet |

\*The minimum lot area is also limited by §27-206(A).

*(Ord. 2-1989,* 11/8/1989, Table 201; as amended by *Ord. 2-1994,* 6/8/1994, §14; by *Ord. 511211999;* and by A.O.

**PART 3**

**GENERAL REGULATIONS**

**§27-301. Nonconforming Uses.**

The following provisions shall apply to all nonconforming uses:

1. ~~A zoning permit must be obtained by the owner of any nonconforming use as evidence that the use lawfully existed prior to the adoption of the provisions which made the use nonconforming.~~ *~~[Ord. 2-1994]~~*

A.~~B~~ A nonconforming use may be continued; however, it shall not be extended, expanded or changed unless to a conforming use, except when permitted as a special exception by the Zoning Hearing Board in accordance with the following:

1. The new use will more closely correspond to the uses permitted in the district.
2. The changed use will be in keeping with the character of the neighborhood in which it is located.

B.~~C.~~ In the event that a nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 1 year, or is abandoned for any period, such nonconforming use shall not be resumed.

(*Ord. 2-1989*, 11/8/1989, §301; as amended by *Ord. 2-1994*, 6/8/1994, §1)

**§27-302. Nonconforming Structures**

1. A nonconforming structure used or occupied by a permitted use may be enlarged or expanded when permitted as a special exception by the Zoning Hearing Board in accordance with the following:
2. The extended or expanded nonconforming structure will provide adequate off-street parking as required by §27-308 of this Chapter.
3. There is no additional encroachment on lot and yard requirements; and the expansion conforms to all requirements of this Chapter.

*[Ord. 2-1994]*

1. Any nonconforming structure or a structure housing a nonconforming use damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
2. Where a nonconforming use is conducted inside a structure, the floor area of the structure and the nonconforming use within it may be enlarged to an extent not greater than 50% of the floor area existing at the time of adoption of this Chapter, when permitted as a special exception by the Zoning Hearing Board in accordance with the following:
3. There shall be no increase in noncompliance, if any, with lot and yard requirements.
4. Off-street parking, as required by §27-308 shall be provided as to the enlarged portion.
5. Any nonconforming permanent sign legally existing on the effective date of this Chapter may continue to exist, provided that signs which are structurally deteriorated to the extent that the cost of restoration would exceed 50% of the cost of replacing the structure shall be removed.
6. The Zoning Officer may authorize the replacement of any porch, if there is no increase in the size of the porch. *[Ord. 2-1994]*

(*Ord. 2-1989*, 11/8/1989, §302; as amended by *Ord. 2-1994*, 6/8/1994, §§3,4 & 5)

**§27-303. Nonconforming Lots of Records.**

Any nonconforming lot or record existing on the effective date of this Chapter and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one family house conform to the minimum lot area per family requirements of this Chapter.

(*Ord. 2-1989*, 11/8/1989, §303)

**§27-304. Accessory Uses.**

The following provisions shall apply to accessory uses:

1. A zoning occupancy permit shall be required for every accessory use or structure. A review of the proposed site plan as required in §27-306 shall be required for uses or structures accessory to any principal uses other than one family houses, farms, townhouses and two family houses, except where in the judgment of the Zoning Officer the accessory use or structure does not affect or alter the site in any significant way.
2. Accessory farm buildings shall not be erected within 100 feet of a neighboring property.
3. Intensively used feed lots, runs or pens for more than 50 animals or 500 fowl shall not be located within ~~200~~300 feet of a neighboring property. Pastures or crop lands shall not be considered as feed lots in interpreting this provision.
4. No structure, run or pen intended for use as a shelter or for raising other than common domestic animals shall be permitted as an accessory use within any residential district except where an agricultural use exists, in which case the provisions of subsection (C) shall apply.
5. Roadside stands for sale of agricultural products shall be permitted if:
6. They are erected at least 30 feet back from nearest edge of ~~roadway surface~~the traffic lane.
7. They are used ~~exclusively~~ for the sale of agricultural products grown primarily in the Township.
8. Parking space is provided off the road right-of-way.
9. Every private swimming pool shall be enclosed by a fence or wall constituting a barrier to small children, 4 feet in height with a gate which shall be locked when the pool is not in use by or under the supervision of the owner or other designated responsible person of the premises upon which it is installed. Private swimming pools of the above ground type which have vertical walls of at least 4 feet from ground level and removable steps shall not be required to be fenced, but shall otherwise meet the requirements of this Section.

~~H The exterior storage of any motor vehicle which does not have a current license and inspection sticker shall constitute an auto salvage business and shall not be permitted as an accessory use.~~

1. Family day care shall be permitted as an accessory use to a single family dwelling, provided that it meets all County, State and Federal requirements.

(*Ord. 2-1989*, 11/8/1989, §305; as amended by *Ord. 2-1994*, 6/8/1994, §§6, 7)

**§27-305. Special Exceptions.**

The following uses may be authorized with such conditions as are deemed appropriate by the Zoning Hearing Board:

1. Living quarters in an accessory structure as an accessory use to a single family house to accommodate domestic employees of the residents to the principal building.
2. The accommodation of not more than two non-transient roomers as an accessory use to a single family house provided that no sign is displayed.
3. The pursuit of vocational or avocational interests by a resident shall be deemed an accessory use to a dwelling, provided:
4. Such activity is clearly subordinate to the dwelling, does not occupy more than 25% of the floor area of one floor, does not entail internal or external alternations or construction features not customary in dwellings, and there is no external evidence of any nonresidential activity.
5. In connection with which there is no person employed, no display or sign other than a name plate, no mechanical equipment used other than normal domestic or household equipment, no facilities which are dangerous or incompatible with the residential environment, and no selling of a commodity or nonprofessional service on the premises.
6. In connection with a home office, not more than one assistant is employed and no colleagues or associates use such office.
7. One additional off-street parking space shall be provided for each 200 square feet of floor area devoted to such activity.
8. Reasonable safeguards are established against detrimental emission of smoke, fumes, odors, dust, noise, vibration, glaring light or visual blight or pollution of any kind.

(*Ord. 2-1989*, 11/8/1989, §305)

**§27-306. Site Plan Review**

No zoning permit or zoning occupancy permit shall be issued for any use upon any lot except a one family home, farm or duplex until a site development plan has been submitted, reviewed and approved in accordance with the following provisions, provided however that existing structures where the occupancy is being changed without any change in use category or new construction or addition to structures and without change in the site are exempt from this requirement. *[Ord. 2-1994]*

1. The application for approval of a proposed site development plan shall be submitted in the office of the Zoning Officer and shall be accomplished by a fee established by resolution of Board of Supervisors to cover the cost of review. The Zoning Officer ~~set a reasonable time schedule to be followed prior to the presentation of the application to~~shall then present the application and the proposed site development plan to the Board of Supervisors with in a period not to exceed 60 days of the receipt of said plan.
2. The application shall consist of not less than seven copies of the letter of application together with not less than seven prints of each drawing submitted as part of the proposed site development plan. The proposed site development plan shall be drawn in accordance with standard architectural and engineering practices to clearly indicate the following:
3. Property lines and total acreage of parcel proposed for development.
4. All existing streets, rights-of-way and easements related to the development and any existing pipelines, wires or transmission lines and their locations to any adjoining properties.
5. The location of existing driveways on adjacent properties.
6. The location of relevant natural features, including, but not limited to, streams or other natural water courses and adjacent lands which are subject to flooding, and significant stands of existing trees.
7. The location of existing structures, sewerage and water, including structures located on abutting property if within 50 feet of the common property line.
8. Required front, side and rear yard lines, and any required building line.
9. Contour lines at 2 foot intervals where average slope is 10% and 20 foot intervals where average slope exceeds 25%.
10. Location, dimensions, total square footage and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes and other site improvements or amenities.
11. Contours and sufficient elevations to show proposed grading and data to show gradient of access drives, parking facilities and surface water runoff.
12. Location and approximate size of utilities to serve the development.
13. Schematic elevations at an appropriate architectural scale.
14. Surface water runoff controls.
15. Title block giving name of development, property owner, developer, north point, date

and scale (minimum 1 inch equals 50 feet).

(14)Such other information as may be required by the Zoning Officer.

1. Action shall be taken by the Board of Supervisors, either approving or disapproving, within 65 days from the date of the regular Board of Supervisors’ meeting at which the site plan first appears as an agenda item. Failure of the Board of Supervisors to so act shall be considered approval of the plan as submitted. The Board of Supervisors may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by the Board of Supervisors shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Zoning Hearing Board.
2. Site plan approval shall not be official until and unless the site plan as approved by the Board of Supervisors and including all conditions of approval by the Board of Supervisors is filed with the Zoning Officer within ~~90~~65 days of action by the Board of Supervisors.
3. Site plan approval shall be valid for a period of 1 year following the Board of Supervisors’ action. If the proposed improvements are not under construction within one year or completed within 2 years, the Board of Supervisors’ approval shall be void.
4. The Board of Supervisors shall not approve a site development plan unless the following standards are met:
5. **Screening.** A planted visual barrier, or landscape screen shall be provided and maintained on any property in a Commercial or Industrial District which is contiguous to any Residential District, except where natural or physical barriers exist which are deemed to provide an adequate buffer by the planning agency. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens no younger than 3 years in age, and planted at intervals of not more than 10 feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than 2 feet, placed in alternating rows to produce a dense visual barrier. Any plant not surviving 3 years after planting, shall be replaced.
6. **Storage.** Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level.
7. **Landscaping.**Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces, shall provide a landscaped perimeter for the parking area of not less than 5% of the parking area which shall be in addition to open area requirements of the district. At least one tree per ~~five~~fifteen parking spaces, or portion thereof, shall be provided.
8. **Lighting.** All parking areas, driveways and loading areas, entry ways, and pedestrian paths shall be provided with a lighting system which shall furnish an average minimum of 0.5 foot candles within such areas during hours of operation. All lighting shall be completely shielded from traffic on any public right-of-way and from any Residential District.
9. **Interior Circulation.** The interior circulation of traffic in commercial areas shall be designated so that no driveway or access lane providing parking spaces, shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ~~10~~12 feet in width.
10. **Access.** Areas provided for loading and unloading of deli very trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other access ways or automobile parking facilities.
11. **Traffic Control.** No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.
12. **Storm Water Management.** Adequate storm water retention facilities shall be provided to ensure that storm water runoff after development shall not be greater than the runoff which would occur from the site in its natural state during a storm with a 100 year probability.

(*Ord. 2-1989*, 11/8/1989, §306, as amended by *Ord. 2-1994*, 6/8/1994, §1)

**§27-307. Signs.**

~~No sign shall be permitted in any district except as an accessory use as herein provided:~~

1. **~~Permit.~~** ~~No sign, except a name plate or temporary real estate sign as specified herein, shall hereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be required by resolution of the Board of Supervisors.~~
2. **~~Conformance.~~** ~~No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this Section. A sign which is not expressly permitted is prohibited.~~
3. **~~Animation. Digital.~~** ~~No digital sign shall emit noise nor emit more than 50% white light at any given time. move, flash or emit noise.~~
4. **~~Traffic Hazard.~~** ~~No sign shall be constructed, located or illuminated in any manner which causes undue glare, distraction, confusion, nuisance or hazard to traffic or other properties or which obstructs free and clear vision of traffic flow.~~
5. **~~Nameplate.~~** ~~In any district a sign not exceeding 1 square foot 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.~~
6. **~~Bulletin Board.~~** ~~A bulletin board or marquee not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.~~
7. **~~Temporary Real Estate Sign.~~** ~~A temporary real estate or construction sign of reasonable size not to exceed 16 square feet is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.~~
8. **~~Business Sign.~~** ~~Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.~~
9. ~~Signs shall not contain information or advertising for any product not sold on the premises.~~
10. ~~Signs shall not have a combined aggregate surface size greater than 3 square feet for each foot of width of the principal structure on the premises.~~
11. ~~Signs shall not project over public right-of-way.~~
12. ~~Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.~~

**SECTION A. PURPOSE**

The purpose of regulating signs and sign structures is to protect the safety of the public and to provide a process for the orderly development of the community. Safety to the public encompasses possible physical contact either bodily or vehicular. Orderly development includes desired aesthetically pleasing advertising.

**SECTION B. DEFINITIONS**

The following words and terms shall be for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN: A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN: A sign employing actual motion or the illusion of motion. Animated signs which are differentiated from changeable signs as defined and regulated by this ordinance, include the following types:

1. Electronically activated: Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classification noted below:

1. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of
2. non- illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
3. Patterned illusionary movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

2. Environmentally activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

3. Mechanically activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electronic motors or other mechanically induced means.

ARCHITECTURAL PROJECTION: Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”, “Backlit awning”, and “Canopy, attached and freestanding.”

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structure(s) that are internally illuminated by fluorescent or other light sources.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

BACKLIT AWNING: An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER: A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN: A sign utilizing a banner as its display surface.

BILLBOARD: See "Off-premise sign" and "Outdoor advertising sign."

BUILDING ELEVATION: The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached): A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

CANOPY (Free-standing): A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN: A sign affixed to the visible surface(s) of an attached or freestanding canopy. For reference, see Figure 1.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input, including signs which are:

1. Electronically activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”

2. Manually activated: Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN: A sign that is supported partly by a pole and partly by a building structure.

COPY: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN: A freestanding sign identifying a multiple occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with 27.307 Section I Bof this chapter.

DIRECTIONAL SIGN: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN: A sign with two faces, back to back.

ELECTRIC SIGN: Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER: An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN: Any sign placed outside a building.

FASCIA SIGN: See “Wall or Fascia Sign.”

FLASHING SIGN: See “Animated sign, electronically activated.”

FREE-STANDING SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference see Figure 1.

FRONTAGE (Building): The length of an exterior building wall or structure of single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property): The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN: See “Freestanding sign.”

ILLUMINATED SIGN: A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN: Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined are not regulated by this chapter.

MANSARD: An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE: See “Canopy (attached).

MARQUEE SIGN: See “Canopy sign.”

MEMORIAL/MEMORIAL PLAQUE: A single marker placed in memory.

MENU BOARD: A freestanding sign orientated to the drive through lane for a restaurant that advertises the menu items available from the drive through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN: A sign containing three or more faces.

OFF-PREMISE ADVERTISING SIGN (EXCLUDING POSTER OR BILLBOARD): A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed.

ON-PREMISE SIGN: A sign erected, maintained or used in the outdoor environment for the purpose of the display or messages appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET: The extension of a building façade above the line of the structural roof.

POLE SIGN: See “Freestanding sign.”

POLITICAL SIGN: A temporary sign intended to advance a political statement, a political cause or political candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building or building surface.

POSTER: Similar to a billboard but of smaller size (288 square feet maximum).

PROJECTING SIGN: A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Figure 1.

REAL ESTATE SIGN: A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

ROOF LINE: The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

ROOF SIGN: A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of difference between roof and fascia signs, see Figure 2.

SIGN: Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabets or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA: The area of the smallest geometric figure or the sums of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See 27.307 Section C.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a connecting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements compromising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

SIGN STRUCTURE: Any structure supporting a sign.

TEMPORARY SIGN: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Temporary signs will only be permitted for use up to 30 days, at which time it must be removed.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN: A sign attached to the underside of a canopy or marquee.

V SIGN: Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

WALL OR FASCIA SIGN: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of difference between wall or fascia signs and roof signs. See Figure 2.

WINDOW SIGN: A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

# SECTION C. GENERAL SIGN TYPES

Sign types and the computation of sign area shall be as depicted in Figures 1-4.

**SECTION D. GENERAL PROVISIONS**

# A. Conformance to Code

Any sign, including memorials and memorial plaques, hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction.

B. Signs in Right-of-Ways

No sign other than an official traffic sign or similar sign shall be erected within the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the zoning officer. Exceptions are at discretion of authorized agents of the Township. Signs of a temporary nature will only be considered.

# C. Projections over Public Ways

Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 10 feet from the highest point of grade to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures. Signs, architectural projections, or sign structures must have a minimum height clearance of 18 feet.

# D. Traffic Visibility

No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

# E. Computation of Frontage

If premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage.

# F. Animation and Changeable Message

Changeable signs, electrically activated, are permitted with restrictions.

# G. Maintenance, Repair and Removal

Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of failing or is otherwise deemed unsafe by the Zoning Officer, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner or the responsible party using same shall, upon written notice by the Zoning Officer, correct the nonconformance or remove the sign. In the case of immediate danger, within not more than 10 days, the owner or responsible party making use of such sign, shall make the sign conform to the provisions of this ordinance or shall remove it. If the order is not complied with the Zoning Officer shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

# H. Obsolete Sign Copy

Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the Zoning Officer and upon failure to comply with such notice, the Zoning Officer is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

# I. Nonconforming Signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alteration will not increase the degree of nonconformity of the signs. Such signs can not be removed or relocated.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the Zoning Officer.

**SECTION E. EXEMPT SIGNS**

The following signs shall be exempt from the provisions of this ordinance. No signs shall be exempt from 27.307 Section 4 – Traffic Visibility.

A. Official notices authorized by a court, public body or public safety official.

1. Directional, warning or information signs authorized by federal, state or municipal governments.
2. Building identification signs and building cornerstones when cut or carved into a masonry surface or when made on noncombustible materials and made an integral part of the building or structure.
3. The flag of a government or noncommercial institution such as a school.
4. Religious symbols and seasonal decorations within the appropriate public holiday season.
5. Street address signs and combination nameplate and street address signs that contain no advertising copy which do not exceed 6 square feet in area.

# SECTION F. PROHIBITED SIGNS

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or devise, or obstruct or interfere with a driver’s view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street sign or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
   1. Vehicle or trailer type advertising signs will only be permitted for temporary use up to 30 days, at which time the unit must be removed.
   2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
   3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public street when applicable, and actively used or available for use in the daily functions of the business to which such signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, not utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, “temporarily” means no more than 20 days in any calendar year.
8. **Business Sign.** Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements
9. Signs shall not contain information or advertising for any product not sold on the premises.
10. Signs shall not have a combined aggregate surface size greater than 3 square feet for each foot of width of the principal structure on the premise.
11. Signs shall not project over public right-of-way.
12. Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

**SECTION G. PERMITS**

# A. Permits Required

Unless specifically exempted, zoning approval must be obtained from the zoning officer for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

B. Construction Documents

Before any permit is granted for the erection of a sign or sign structure requiring such permit, an application form (provided by the Township) and construction documents shall be filed with the Building Inspector showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code. Any and all costs for engineering review will be the responsibility of the applicant.

# C. Changes to Signs

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, changing of copy, business names, lettering, sign faces, colors, displays and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

# D. Permit Fees

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted by the Kiskiminetas Township Board of Supervisors.

# SECTION H. PERMITTED SIGNS AND SPECIFIC SIGN REQUIREMENTS

# *Identification Signs*: Every single-family residence, multiple-family residential complex, business or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in this ordinance. For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than one (1) sq. ft.

# *Directional Signs*: No more than two directional signs shall be permitted per

# street entrance to any lot. There shall be no limit to the number of directional

# signs providing directional information interior to a lot. In residential zones, the

# maximum area for directional signs shall be 2 square feet in “R” Residental zone and 4 square feet in “A-R” Agricultural Residential zone. In “B” Business “I” Industrial and “A” Agricultural Zones, directional signs shall be limited to 4 square feet in size.

# Not more than 25 percent of the area of any directional sign shall be

# permitted to be devoted to business identification or logo, which area shall not

# be assessed as identification sign area.

C. *Temporary Signs*

# 1. *Real Estate Signs*: Real estate signs shall be permitted in all zoning

# districts, subject to the following limitations:

# Real estate signs located on a single residential lot shall

# be limited to one sign, not greater than four (4) square feet.

# b. Real estate signs advertising the sale of lots located

# within a subdivision shall be limited to one sign per

# entrance to the subdivision, and each sign shall be no

# greater than twenty (20) square feet in area and nine (9) feet

# to the top of the sign. All signs permitted under this section

# shall be removed within 10 days after sale of the last original

# lot. Individual lot signs are permitted according to (a.)

# above.

# c. Real estate signs advertising the sale or lease of business

# or industrial buildings in a business, industrial,

# or agricultural zone shall be no greater than twenty (20)

# square feet in area and fifteen (15) feet in height to the top of the sign, and shall be limited to one sign per street front.

# Real estate signs advertising the sale or lease of business, industrial, or agricultural vacant lands shall be limited to one sign per street frontage, and each sign shall be no greater than twenty (20) square feet in area and fifteen (15) feet in height to the top of the sign.

# Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

# 2. *Development & Construction Signs*: Signs temporarily erected during

# construction to inform the public of the developer, contractors,

# architects, engineers, the nature of the project or anticipated completion

# dates, shall be permitted in all zoning district, subject to the following

# limitations.

1. Such signs on a single residential lot shall be limited to one sign not greater than nine (9) square feet in area and nine (9) feet in height to the top of the sign.
2. Such signs for a residential subdivision or multiple residential lot shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than nine (9) feet in height and twelve (12) square feet in area.
3. Such signs in s business, industrial, and agricultural districts shall be limited to one sign per street front, not to exceed thirty two (32) square feet in area and fifteen (15) feet in height.
4. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 10 days following issuance of an occupancy permit for any of all portions or the project.

# *Special Promotion, Event and Grand Opening Signs*: Signs temporarily

# displayed to advertise special promotions, events and grand openings

# shall be permitted as a conditional use for nonresidential uses in a

# residential district. Such signs shall be permitted in business,

# industrial, and agricultural districts subject to the following

# limitations:

1. Such signs shall be limited to one sign per street front.
2. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
3. The total area of all such signs shall not exceed sixty (60) square feet for banners, and 32 square feet for all other sign types.

# *Special Event Signs in Public Ways (i.e. banners)*: Signs advertising a special community event shall be permitted as a Conditional Use by the Township Board of Supervisors subject to the size, location and method of erection. The Board of Supervisors may deny any special event signage that would impair the safety and convenience of use of

# public rights-of-way, or obstruct traffic visibility.

# *Portable Signs*: Portable signs shall be permitted only in Residential,

# Agricultural Residential, Business, Industrial and Agricultural Zoning Districts, as designated herein, subject to the following limitations:

# No more than one such sign may be displayed on any property and shall not exceed a height of twelve (12) feet or an area of forty (40) square feet.

# Such signs shall be displayed not more than thirty (30) days in any calendar year.

# Any electrical portable sign shall comply with the IBC Electrical Code.

# No portable sign shall be displayed prior to obtaining a sign permit.

# 6. *Political Signs*: Political signs shall be permitted in all zoning districts,

# subjectto the following limitations:

1. Such signs shall not exceed a maximum size per sign face of 16 square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election provided that signs promoting successful candidate or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
3. Such signs shall not obstruct traffic visibility.

**TABLE A: MAXIMUM: HEIGHT, AREA, & QUANTITY BY ZONING DISTRICT**

**MINUMUM: SETBACK FROM LOT LINES (DOES NOT INCLUDE TEMPORARY SIGNING)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **ZONING DISTRICTS** | | | |
| **“R”**  **Residential** | **“A-R”**  **Agricultural**  **Residential** | **“B” Business**  **“I” Industrial** | **“AG”**  **Agricultural** |
| Maximum Ht–Freestanding to top of sign | 8’ | 12’ | 25’ | 25’ |
| Minimum distance from any lot line | 5\* | 5\* | 5\* | 5\* |

\* except that no sign shall be located within a public right-of-way and no sign shall protrude over a lot line or public right-of-way

**TABLE B: PERMITTED SIGNS BY ZONING DISTRICT (DOES NOT INCLUDE**

**TEMPORARY SIGNING)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SIGN TYPE**  **{Characteristic}** | **ZONING DISTRICT** | | | |
| **“R”**  **Residential** | **“A-R”**  **Agricultural**  **Residential** | **“B” Business**  **“I” Industrial** | **“AG”**  **Agricultural** |
| Awning Sign | N | N | P\* | P\* |
| Banner Sign | C\* | C\* | C\* | C\* |
| Canopy Sign | N | N | P\* | P\* |
| {Changeable Copy} Sign | N | N | C\* | C\* |
| Development/Construction Sign | P\* | P\* | P\* | P\* |
| Directional Sign | P\* | P\* | P\* | P\* |
| {Electronic Message} Sign | N | N | P\* | P\* |
| Freestanding Name/Ad Sign | P\* | P\* | P\* | P\* |
| Identification Sign | P\* | P\* | P\* | P\* |
| {Illuminated} Sign | N | N | P\* | P\* |
| Mansard Sign | N | N | P\* | P\* |
| Menu Board | N | N | P\* | N |
| Off-Premise Advertising Sign | N | N | P\* | N |
| Political Sign | P\* | P\* | P\* | P\* |
| Real Estate Sign | P\* | P\* | P\* | P\* |
| Roof Sign | N | N | P\* | P\* |
| Promotion/Event/Grand Opening | C\* | C\* | P\* | P\* |
| Under Canopy/Marquee Sign | N | N | P\* | P\* |
| Wall Sign (in general) | P\* | P\* | P\* | P\* |
| Window Sign | P\* | P\* | P\* | P\* |

N = Not Permitted P = Permitted C = Conditional Use \*restrictions apply

**TABLE C: PERMITTED SIGN AREA BY SIGN TYPE & ZONING DISTRICT (DOES**

**NOT INCLUDE TEMPORARY SIGNING)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **SIGN TYPE**  **{Characteristic}** | **ZONING DISTRICTS** | | | | |
| **“R”**  **Residential** | **“A-R”**  **Agricultural**  **Residential** | **“B” Business**  **“I” Industrial** | | **“AG”**  **Agricultural** |
| Awning Sign | ----- | ----- | 50% | | 50% |
| Banner Sign | See:Promotional/Event/Grand Opening - Below | | | 60 sf\* | 60 sf\* |
| Canopy Sign | ----- | ----- | 50% | | 50% |
| {Changeable Copy} Sign (Manual) | ----- | ----- | 40 sf | | 40 sf |
| Development | 9-12 sf\* | 9-12 sf\* | 32 sf\* | | 32 sf\* |
| Directional Sign | 2 sf\* | 4 sf\* | 4 sf\* | | 4 sf\* |
| {Electronic Message} Sign | ----- | ----- | 48 sf\* | | 48 sf\* |
| Freestanding Name/Ad Sign (Non Electronic) | 9 sf\* | 9 sf\* | 60 sf\* | | 60 sf\* |
| Identification Sign | 4 sf | 9 sf | 16 sf | | 16 sf |
| Illuminated Sign | ----- | ----- | 60sf | | 60sf |
| Mansard Sign | ----- | ----- | 60 sf | | 60 sf |
| Menu Board | ----- | ----- | 50 sf\* | | ----- |
| Off-Premise Advertising Sign | ----- | ----- | 60 sf\* | | ----- |
| Real Estate Sign | 9 sf\* | 9 sf\* | 16 sf\* | | 16 sf\* |
| Roof Sign | ----- | ----- | 60 sf\* | | 60 sf\* |
| Marquee Sign | ----- | ----- | 50 sf\* | | 50 sf\* |
| Under Canopy | ------ | ------ | 10 sf | | 10 sf |
| Wall Sign (Flat) | -------- | -------- | 60 sf\* | | 60 sf\* |
| Window Sign | 4 sf\* | 4 sf\* | 30% | | 30% |

\* other restrictions apply

# D. *Requirements for Specific Sign Types*: Signs of specific types shall be in

# accordance with this Section.

# 1. *Canopy and Marquee Signs*:

1. The permanently affixed copy area of canopy or marquee signs shall not exceed an area equal to 50 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

# 2. *Awning Signs*:

* 1. The copy area of awning signs shall not exceed an area equal to 50 percent of the background area of the are awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs whichever is less.
  2. Neither the background color of an awning, nor any graphic

treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

# 3. *Projecting Signs*:

1. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage, limited to one sign per occupancy along any street frontage with public entrance to such occupancy and shall be limited to the same area and height requirements as a freestanding sign.
2. No such sign shall extend vertically above the highest point of

the building façade in excess of the established limits for roof

signs per the zoning district.

1. Such signs shall not extend over a public sidewalk in excess of

fifty (50) percent of the width of the sidewalk.

1. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of ten (10) feet.

4. *Under Canopy Signs*:

1. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed ten (10) square feet.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way ten (10) feet.

# 5. *Roof Signs*:

1. Roof signs shall be permitted in business and industrial districts only.
2. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of no more than twenty (20%) percent of the height of the roofline in business districts, and twenty five (25%) percent of the height of the roofline in industrial and agricultural districts, but in no case shall a roof sign be more than 12 feet above the roof line.

# 6. *Window Signs*:

# Window signs shall be permitted for any nonresidential use in a

# residential district, and for all business and industrial districts,

# subject to the following limitations:

# The aggregate area of all such signs shall not exceed four (4) square feet in residential zones, thirty (30%) percent of the window area on which such signs are displayed in business zones and twenty (20%) percent of the window area on which such signs are displayed in industrial zones. Window panels separated by muntins or mullions shall be considered as one continuous window area.

# Window signs shall not be assessed against the sign area permitted for other sign types.

# 7. *Menu Boards*:

a. Menu board signs shall be permitted only in buiness

districts.

1. Menu board signs shall not exceed 50 square feet in size; and shall be set back ten (10’) feet from all lot lines.

c. Two (2) menu board signs shall be permitted per parcel.

8. *Off-Premise Advertising Signs*:

1. Off-premise advertising signs, shall be permitted only in the Business Zoning Districts;
2. Off-premise advertising signs shall not exceed sixty (60) square feet in size, twenty five (25’) feet in height from average grade to the top of the sign, and shall be setback from all lot lines a minimum of sign height.

c. One (1) off-premise advertising sign per business entity.

9. *Changeable Copy Signs*:

1. Changeable copy signs shall be permitted in the business, industrial, and agricultural zoning districts as a conditional use;
2. The changeable portion of the sign shall not exceed forty (40) square feet in size;
3. One (1) changeable copy sign is permitted per parcel.

**TABLE D: PERMITTED NUMBER OF SIGNS BY SIGN TYPE & ZONING DISTRICT**

**(DOES NOT INCLUDE TEMPORARY SIGNING)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **SIGN TYPE**  **{Characteristic}** | **ZONING DISTRICTS** | | | | |
| **“R”**  **Residential** | **“A-R”**  **Agricultural**  **Residential** | | **“B” Business**  **“I” Industrial** | **“AG”**  **Agricultural** |
| Awning Sign | ----- | ----- | | 1 each awning @ 50% | 1 each awning @ 50% |
| Banner Sign | C | C | | 1 p/parcel | 1 p/parcel |
| Canopy Sign | ----- | ----- | | 1 each canopy @ 50% | 1 each canopy @ 50% |
| {Changeable Copy} Sign | ----- | ----- |  | 1 | 1 |
| Development/Construction Sign | 1 | 1 |  | 1 p/front | 1 p/front |
| Directional Sign | 2 p/entrance | 2 p/entrance |  | 2 p/entrance | 2 p/entrance |
| {Electronic Message} Sign | ----- | ----- |  | 1 | 1 |
| Freestanding Name/Ad Sign | 1 | 1 |  | 1 p/front | 1 p/front |
| Identification Sign | 1 p/entrance | 1 p/entrance |  | 1 p/entrance | 1 p/entrance |
| Mansard Sign | ----- | ----- |  | 1 p/front | 1 p/front |
| Menu Board | ----- | ----- |  | 2 | 2 |
| Off-Premise Advertising Sign | ----- | ----- |  | 200 ft min.  spacing | 200 ft min.  spacing |
| Political Sign | P | P |  | P | P |
| Real Estate Sign | 1 p/front | 1 p/front |  | 1 p/front | 1 p/front |
| Roof Sign | ----- | ----- |  | 1 p/front | 1 p/front |
| Promotion/Event/Grand Opening | C | C |  | 1 | 1 |
| Under Canopy/Marquee Sign | ------- | ------ |  | 1 | 1 |
| Wall Sign (in general) | ----- | ----- |  | 10 % p/side | 10% p/side |
| Window Sign | 1 | 1 |  | 30% | 20% |

N = Not Permitted P = Permitted C = Conditional Use \*restrictions apply

10. *Illuminated Signs*:

1. Illumination to signs is considered a sign characteristic and not a sign type.
2. Illuminated signs shall not be permitted in the residential zoning districts;

11. *Electric Message Signs*:

1. Electric message signs shall not be permitted in the residential zoning districts.
2. The Electric messaging portion of a sign shall not exceed forty eight (48) square feet in area.

12. *Identification Sign Including Home Occupation:*

a. Identification signs shall be for the purpose of identifying the

building structure or tenant(s).

b. Identification signs shall be freestanding or attached to the

structure at each entrance to the building or structure.

c. Identification signs shall be permitted in all zoning districts and

shall not exceed size limitations as follows: Districts – “R” Residential maximum area is four (4) square feet; Agricultural Residential – maximum area if nine (9) square feet; “B” Business“I” Industrial “AG” Agricultural – maximum area is sixteen (16) square feet.

# SECTION I. SIGNS FOR DEVELOPMENT COMPLEXES

# A. Master Sign Plan Required

All landlord or single owner controlled multiple-occupancy development complexes on parcels exceeding five (5) acres in size such as shopping centers or planned industrial parks, shall submit to the Zoning Officer a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address at a minimum, the following:

* + 1. Proposed sign locations,
    2. Materials,
    3. Type of illumination,
    4. design of free-standing sign structures,
    5. Size,
    6. Quantity,
    7. Uniform standards for nonbusiness signage, including directional and information signs.

# B. Compliance with Master Sign Plan

All applications for sign permits for signage within a multiple – occupancy development complex shall comply with the master sign plan.

# C. Amendments

Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

**SECTION J. Severability**

The provisions of this amendment to Zoning Ordinance #1-1984 are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Kiskiminetas that this Ordinance would not have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section been known to be included herein.

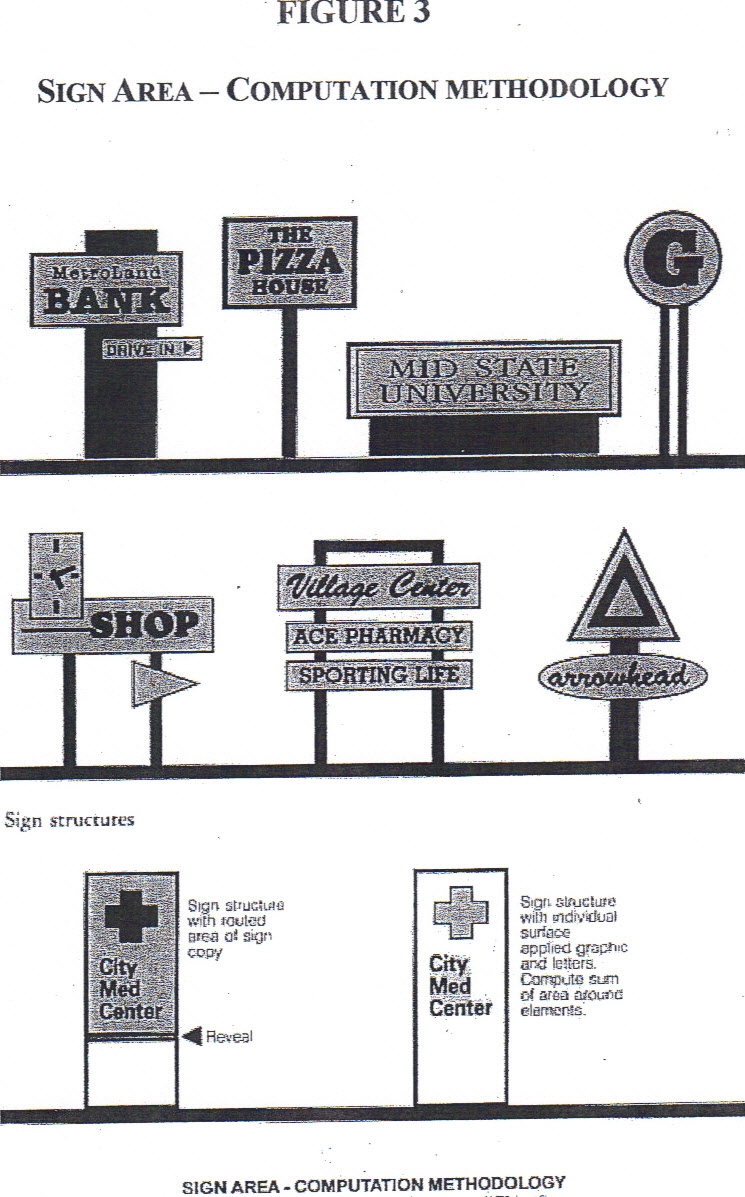
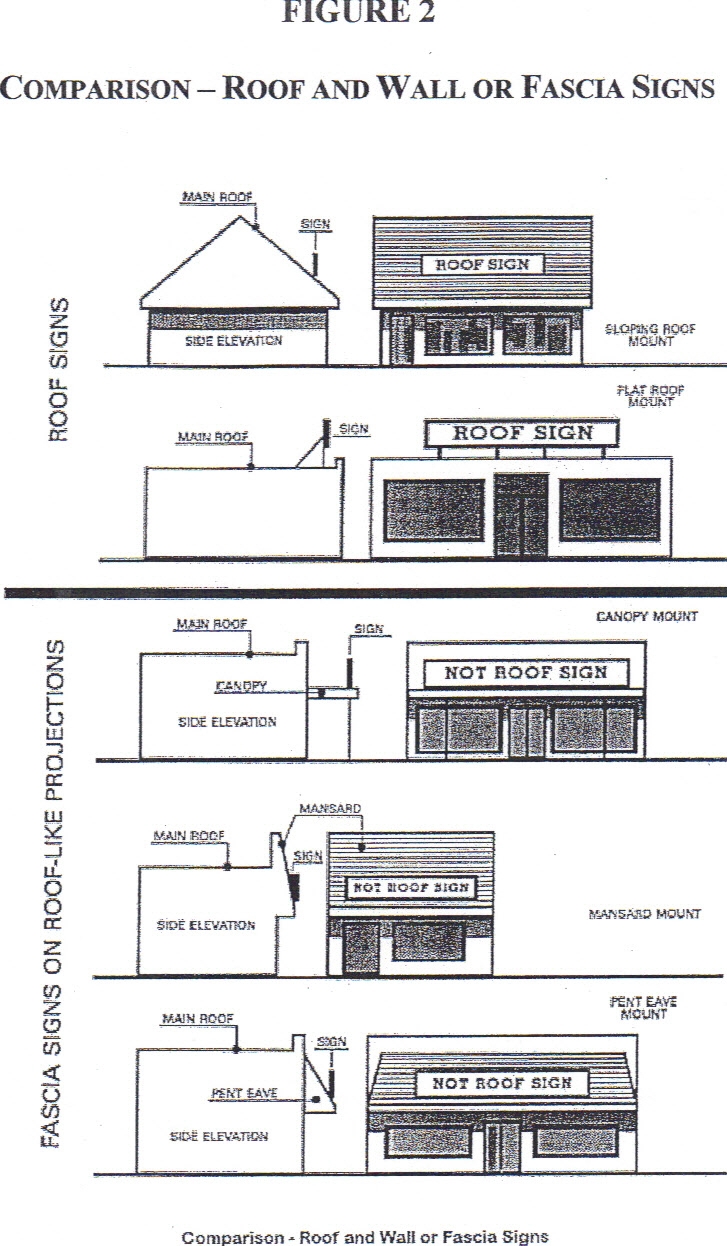
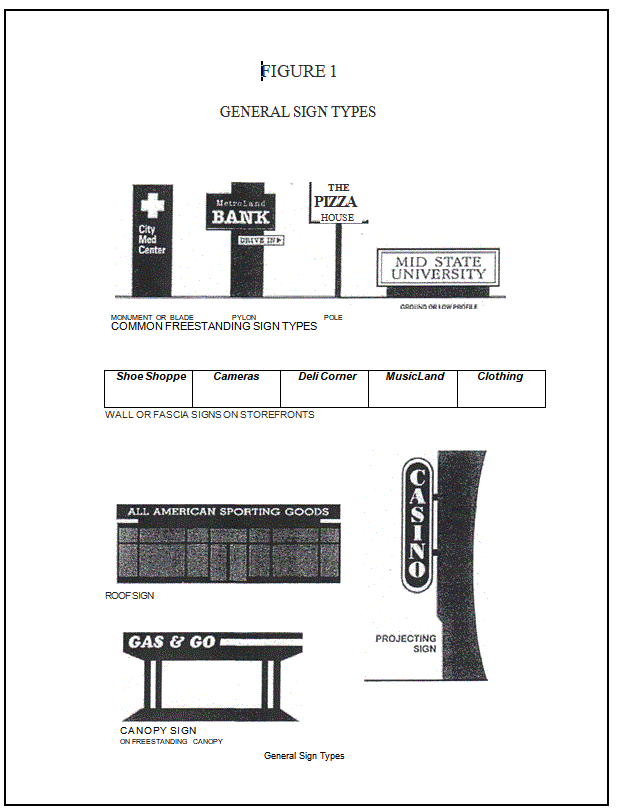
**SECTION K. Variance**

Refer to27-508 Paragraph 5

1. **SECTION L Billboards.**

Billboards may be authorized by the Board as a special exception in the I-1 Industrial. Business and Agricultural Districts provided:

1. Billboards shall not be closer than 30 feet to any public right-of-way or any adjacent property.
2. Billboards shall not have a combined ~~aggregate~~gross surface size greater than ~~400~~300 square feet.
3. A billboard shall have no more than two sign faces per billboard structure, which may be placed back to back or in a V-shaped configuration having an interior angle of 90 degree or less
4. No billboard structure shall be located closer to any other billboard than 800 feet, nor closer to any business sign than 200 feet.
5. Billboards shall not be illuminated in any matter which causes undue distraction, confusion or hazard to vehicular traffic, nor cannot pulse or change in intensity or contain reflecting materials.
6. Every 10 years the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer and shall provide to the Township a certificate from the engineer certifying that the billboard is structurally sound.

(*Ord. 2-1989*, 11/8/1989, §307)

**§27-308. Off-Street Parking.**

Off-street parking spaces shall be provided in accordance with the specifications in this Section in any district whenever any new use is established or existing use is enlarged. No off-street parking space shall have an area less than 200 square feet.

**Use Minimum Parking Spaces Required**

Single family dwelling, two dwelling, 2 per dwelling unit

townhouse

Multiple family dwellings 2 per dwelling unit

Church and School 1 per ~~6~~4 seats in the principal assembly

Room

Private clubs or lodge 1 per 4 members

Theater 1 per 4 seats

Hospitals and rest homes 1 per ~~3~~2 beds plus 1 for each ~~2 employees~~

employee/service person on the maximum working

shift

Professional offices, business services, ~~1~~2 for every 250 square foot of floor space

Wholesale houses and medical clinics plus 1 for each employee

Retail businesses, eating and drinking 1 for every ~~200~~100 square feet of floor space

plus 1 for each employee

Bowling alleys ~~4~~5 for each alleys

Funeral homes ~~8~~12 per viewing room, 25 minimum

Recreational assembly places, e.g., 1 for every 50 square feet of floor

dance hall, night clubs

Industrial 1 for each ~~2 employees~~employee on the

Maximum working shift

1. Parking spaces may be located on a lot other than that containing the principal use only with the approval of the Zoning Hearing Board.
2. Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
3. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect light away from adjoining premises in any “R” District.

(*Ord. 2-1989*, 11/8/1989, §308)

**§27-309. Off-Street Loading.**

One off-street loading berth of not less than ~~35~~70 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

(*Ord. 2-1989*, 11/8/1989, §309)

**§27-310. Temporary Structure.**

Temporary structure and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures other than construction trailers shall be issued for no longer than a 6 month period; provided, however, that temporary structures and trailers in industrial and business districts may be permitted ~~without time limit~~up to (2) two years if located more than 50 feet from every property line.

(*Ord. 2-1989*, 11/8/1989, §310)

**§27-311. Environmental Protection Requirements.**

The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that Township reviewing agencies are satisfied that the spirit and intent of this Chapter is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

1. No cut or fill grade shall exceed a slope of 2/1 or 50%. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts and fills on land naturally exceeding 2/1 in slope.
2. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase “a reasonable time” shall be interpreted to be within 2 weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.
3. Any person, partnership or corporation proposing to dispose of wastes on any land within Kiskiminetas Township must first obtain permits from the United States Environmental Protection Agency and appropriate Pennsylvania and Armstrong County agencies, and must certify that such wastes are not hazardous to the health, safety and welfare of residents of the Township. Hazardous wastes shall not be deposited in Kiskiminetas Township.
4. No cutting, fill, or other disturbing of land is permissible within 100 feet of the edge of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream or watercourse.

(*Ord. 2-1989*, 11/8/1989, §311)

**§27-312. Mobile Homes/Modular homes**

Mobile homes shall be permitted outside of mobile home parks only when they comply with the following requirements:

1. A site plan for the placement of the mobile home shall be approved in accordance with §27-306.
2. The mobile home shall be placed on ~~posts~~concrete pillars according to manufactures specifications, extending below the frost line or on a permanent foundation and any and all openings in such foundation shall be enclosed. The mobile home shall be anchored securely with tie downs, and shall have all wheels removed.

(*Ord. 2-1989*, 11/8/1989, §312)

**§27-313. Mobile Home Parks.**

Mobile home parks shall be permitted as planned residential projects as regulated in this Chapter, only if in accordance with all Township, State and County laws and only if the following requirements are met.

1. The minimum area of a mobile home park shall be 12 acres.
2. Each mobile home site within the mobile home park shall have a minimum area of 6,000 square feet.
3. Each mobile home site shall have a minimum width of 40 feet.
4. Not less than 15% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.
5. The mobile home park shall be appropriately landscaped and shall be screened from adjacent properties in conformance with §27-306(E)(1).
6. The mobile home park shall meet all applicable requirements of the Armstrong County Subdivisions and Land Development Ordinance.
7. All utilities located in the mobile home park shall be located underground.
8. Coin-operated laundries, laundry and dry cleaning pickup stations and other commercial convenience establishments may be permitted in mobile home parks provided:
9. They are subordinate to the residential character of the park.
10. They are located, designed and intended to serve only the needs of persons living in the park.
11. The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park.
12. The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(*Ord. 2-1989*, 11/8/1989, §308)

**§27-314. No-Impact Home-Based Business.**

1. Uses.

The business shall employ no A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential employees other than family members residing in the dwelling.
2. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
3. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
4. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

F.The business activity shall be conducted only within the dwelling and may not occupy

more than 25% of the habitable floor area.

G. The business may not involve any illegal activity.

.(*Ord. 2-1989*, 11/8/1989, as added by A

**PART 4**

**CONDITIONAL USES**

**§27-401. General.**

Conditional uses as specified in Part 2 may be allowed or denied by the Board of Supervisors after recommendations by the Planning Commission in accordance with the criteria and provisions.

(*Ord. 2-1989*, 11/8/1989, §401)

**§27-402. Application.**

Applications for conditional uses shall be filed with the Zoning Officer and shall be accompanied by:

1. Application fee in an amount equal to that set by resolution of the Board of Supervisors.
2. Five copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings, the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures, the location of all utilities, the provisions for parking, moving or loading of vehicles and the timing of construction proposed.

(*Ord. 2-1989*, 11/8/1989, §402)

**§27-403. Review.**

The Zoning Officer shall forward copies of the application to the Board of Supervisors and to the Planning Commission for review and approval.

1. The Planning Commission shall forward its recommendations within 45 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.
2. The Board of Supervisors may attach such conditions as they deem necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be recorded by the petitioner within 30 days of final approval.

All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall constitute a violation of this Chapter.

(*Ord. 2-1989*, 11/8/1989, §403)

**§27-404. Criteria for Approval.**

A conditional use shall be approved if and only if it is found to meet the following criteria:

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Chapter.
2. The proposed use shall meet all special standards which may be applied to its class of conditional uses as set forth in this Part.
3. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the “Performance Standards” of §27-405.
4. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
5. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
6. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
7. The proposed use shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.
8. Apartments shall have a minimum lot area of 2,500 square feet for each apartment exclusive of any portion of the lot used for any other purpose.
9. ~~Automobile~~Salvage yards shall comply with all Township, County and State regulations, shall not be located on parcels less than 15 acres in areas. The actual salvage area shall~~all~~ be entirely enclosed by a chain link fence with weatherproof strips to limit visibility, or a chain-link fenced with screening as described in Sect. 27-306 D(1)., Such fence to have a height not less than 6~~8~~ feet and shall provide screening on all sides as required by §27-306(D)(1).
10. Dependent dwellings shall be attached to the principal dwelling, shall not be located on lots of less than 12,000 square feet.
11. A family business as an accessory to an agricultural use shall not be located on sites of less than 40 acres, and no operation shall be conducted closer than 200 feet to any adjoining property. No structure shall be erected, modified or used in connection with such family business unless it is compatible with a structure customarily accepted as an accessory to the agricultural operation until and unless the family member who is the owner of such operation shall be in residence on the site. For the purposes of this Chapter, a person shall be considered to be in residence if and only if the site is listed as that person’s principal residence for State and Federal tax purposes, and with the Department of Motor Vehicle records.
12. A heliport or helicopter pad shall not be located on lots of less area than the minimum recommended by appropriate State and Federal regulatory agencies, and the landing area shall be not less than 300 feet to any residential property, nor less than 100 feet from any commercial or industrial property or any public right-of-way.
13. A hospital shall not be located on a lot less than 12,000 square feet plus 300 square feet for each bed or in-patient facility.
14. Mineral, oil or gas extraction shall not be approved except after receipt and review of all drawings and documents which are required to be submitted by the applicant to the State for review and approval of such extractive activity. *[Ord. 2-1994]*
15. Mobile home parks shall meet all the requirements of §27-313.
16. Public buildings when located in or adjacent to a residential district shall comply with the established yard requirements as started on page 27-13 Table 201~~provide~~ regarding proper separation and protection for abutting residential property.
17. Public utility buildings when located in or adjacent to a residential district shall provide proper separation and protection for abutting residential property, and shall not require routine trucking movements on local residential or substandard streets.
18. Sanitary landfills shall not be located on sites of less than 100 acres, and no operation shall be conducted closer than 400 feet to any adjoining property. No sanitary landfill shall be approved except after receipt and review of all drawings and documents which are required to be submitted by the applicant to the Pennsylvania Department of Environmental Resources Protection for review and approval of such activity nor until the applicant is in full compliance with §27-311(C) of this Chapter. [A.0.]
19. Intermediate care facilities, personal care homes and group dwellings shall be at least 2,000 feet apart from each other, shall not be located on lots of less than 12,000 square feet, nor on lots having less than four hundred square feet for every sleeping room or for every two beds, whichever is greater. Such uses shall have side yards of not less than 20 feet, and shall not be approved unless:
20. Certified and stamped plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility.
21. The Board of Supervisors has found that plans and programs for management of the group dwelling are adequate and appropriate to the population to be housed and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the adjacent neighborhood.
22. Such dwelling has been approved after a fire and safety code inspection by the Department of Labor and Industry be in compliance with the Department of Public Welfare, Office of Mental Health standards existing at time of issue of license, and with the latest revision of licensing requirements.
23. Change of ownership or of any conditions of original approval shall constitute a new use and the full procedure for obtaining approval of the conditional use shall be required within one year of change of ownership.
24. A directional sign of a reasonable size directing traffic may be located at or near the intersection of public streets as a conditional use in connection with any legal business or industry provided it contains no information other than instructions for the convenience of vehicular traffic in reaching such business or industry. *[Ord. 2-1994]*

(*Ord. 2-1989*, 11/8/1989, §404; as amended by *Ord. 2-1994*, 6/8/1994, §§9, 10; and by A.O.)

**§27-405. Performance Standards.**

All conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Board of Supervisors may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

1. **Fire Protection.** Fire prevention 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 materials is carried on.
2. **Electrical Disturbances.** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
3. **Noise.** Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
4. **Vibrations.** Vibrations detectable without instruments on neighboring property *in* any district shall be prohibited.
5. **Odors.** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
6. **Air Pollution.** No pollution of air by fly ash, dust, smoke, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property.
7. **Glare.** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. **Erosion.** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
9. **Water Pollution.** Water pollution shall be subject to the standards established by the Department of Environmental Protection. [A.O.]
10. **Nuclear Radiation.** No activity shall emit nuclear radiation which is hazardous.

(*Ord. 2-1989*, 11/8/1989, §405; as amended by A.O.)

**§27-406. Planned Developments.**

Planned group units and planned residential developments may be allowed or denied by the Board of Supervisors after recommendation by the Planning Commission in accordance with the procedures set forth in Part 5.

1. A development plan for a planned group unit or a planned residential development shall be approved if, and only if, it is found to meet the following criteria.
2. The proposed development plan preserves the community development objectives of this Chapter, and is consistent with the comprehensive plan.
3. Where the proposed development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.
4. The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use and type of development proposed.
5. The physical design of the proposed development plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
6. The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located.
7. The proposed development plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding than if subject properly were developed in accordance with the provisions of this Chapter and subdivision ordinances which otherwise apply.
8. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of §27-405.
9. In the case of a development plan which proposes development over a period of years, the development plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities and other improvements and conditions as required in this Part and as intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(*Ord. 2-1989*, 11/8/1989, §406)

**§27-407. Planned Group Units.**

Planned group units may be approved under provisions of this Chapter if, and only if, they comply with the following standards and provisions.

1. **Ownership.** The entire site for the planned group units shall be owned or controlled by the developer.
2. **Minimum Size.** The site shall not be less than 5 acres.
3. **Frontage.** The minimum frontage abutting on a public right-of-way shall not be less than 400 feet.
4. **Access.** The site must provide for access from regional or collector streets indicated in the comprehensive plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.
5. **Safety.** The site shall be so developed as to avoid danger to health or peril from fire, flood or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, or underground fires shall not be developed for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the development plan.
6. **Permitted Uses.** Permitted uses and conditional uses as specified in Table 201 for the zoning district in which a proposed planned group unit is to be located may be permitted in the planned group unit provided their design, arrangement, landscaping, construction and relationship to adjacent properties and uses meet all requirements set forth in this Chapter.
7. **Yards and Open Spaces.** The front, side and rear yards shall not be less than the minimum requirements of the district in which the planned group unit is located. Not less than 15% of the total site area shall be set aside for open space, and such open space shall be landscaped in a manner suitable for the uses intended for the development.
8. **Building Spacing.** The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than 30 feet.
9. **Building Groupings.** Structures shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.
10. **Off-Street Parking.** Off-street parking spaces shall be provided in accordance with §27-308.

(*Ord. 2-1989*, 11/8/1989, §407)

**§27-408. Planned Residential Developments.**

Planned residential developments may be approved under provisions of this Chapter if, and only if, they comply with the following standards and provisions.

1. **Ownership.** The entire site for the planned residential development shall be owned or controlled by the developer.
2. **Minimum Size.** The site shall not be less than 10 acres.
3. **Frontage.** The minimum frontage abutting on a public right-of-way shall not be less than 200 feet.
4. **Access.** The site must provide for access from existing or proposed roads which are adequate to assure convenient and safe access which will not cause undue congestion or hazard on local streets.
5. **Safety.** The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the development plan.
6. **Permitted Uses.** The following uses may be permitted in a planned residential
7. In the “A” Agricultural District, one-family houses, mobile homes, recreation facilities, and accessory uses.
8. In the “A-R” Agricultural Residential District, one-family houses, mobile homes, recreation facilities and accessory uses.
9. (1) In the “R” Residential District, ~~one family houses~~single family dwelling, two-family houses, townhouses, ~~garden~~ apartments, recreation facilities and accessory uses.
10. ~~In the “R-S” Suburban Residential District, one-family houses, two-family houses, townhouses, recreation facilities and accessory uses.~~
11. **Permitted Density.** The overall density shall not exceed an average lot area per dwelling unit specified in the following table. In calculating lot area for density purposes, any areas having a slope greater than 40% shall be subtracted from the lot area; and ½ of any areas having a slope of 25% or more up to 40% shall be subtracted from the lot area. For such calculations the slope shall be measured between contours having vertical intervals no greater than 20 feet.

**Minimum Lot Area Per Family (Square Feet)**

**“A” “A-R” ~~“R-S”~~ “R”**

One-family dwelling 35,000 17,500 ~~8,000~~ 6,000

Mobile home/Modular Homes 8,000 6,000 -- --

Two-family dwelling -- -- ~~8,000~~ 4,000

Townhouses -- ~~4,000~~ 3,000

~~Garden~~ Apartments -- -- 3,000

1. **Open Space Requirements.** Not less than 15% of the total site area shall be set aside for open space, and not less than 50% of such open space shall be developed for recreational purposes to a degree commensurate with its location and probable usage. The common open space shall be so dedicated or otherwise pre-served and maintained so as to always remain open and available for use by the occupants of the planned residential development. The common open space, including all improvements and facilities, shall be either:
2. Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and facilities, but no public body is obligated by this Chapter to accept such dedication.
3. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain such land and facilities. Such organization may not be dissolved nor dispose of the common open space unless the maintenance of the common open space is otherwise guaranteed to the satisfaction of the Board of Supervisors.
4. **Common Open Space Maintenance.**
5. If the organization established to own and maintain common open space, or any successor organization, fails to maintain such common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the planned residential development setting forth the maintenance deficiencies, requiring correction of deficiencies within 30 days, and stating the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon and maintain the common open space for 1 year. This maintenance shall not constitute a taking nor vest in the public any rights to use the common open space. Before the expiration of the year, the Board of Supervisors shall set a public hearing where such organization or residents of the planned residential development may show cause why maintenance by the Township should not, continue for another year. If the Board of Supervisors determines that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter.
6. The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file with the County a notice of lien upon properties affected.
7. **Minimum Building Setback.** No structure shall be located closer to any boundary of the site than 40 feet. Any structure exceeding 35 feet in height shall be set back one additional foot for every 2 feet of height exceeding 35 feet.
8. **Building Spacing.** The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than 20 feet.
9. **Maximum Size of Structure.** No structure shall have a maximum dimension greater than 250 feet. No townhouse shall have a height greater than three stories or 35 feet. No apartment shall have a height greater than three habitable stories, or 35 feet. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than 25%.
10. **Building Groupings.**Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.
11. **Staging Development.** The density of development within various portions of the planned residential development may vary, provided each such area or portion of the development plan meets all requirements of this Chapter. It is further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by granted easement, or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each stage.

(*Ord. 2-1989*, 11/8/1989, §408)

**§27-409. Required Improvements.**

The following improvements shall be completed in connection with every planned group unit and planned residential development, and such improvements will be in conformance with such standards as may be specified and required in the subdivision regulations enforced in Kiskiminetas Township or other Township, County or State law.

A Off-street parking spaces shall be provided in accordance with the provisions of §27-308.

B Areas should be provided for bus loading areas and bus shelters within ¼ mile of each of the flow of traffic.

C Where street lights are provided, the cost of installation, operation and maintenance shall be borne by the home owners, the home owners association or by such other person who is responsible for the maintenance and upkeep of the planned development.

D Proposed streets shall be related to street plans or parts thereof as have been officially adopted by the Board of Supervisors. Proposed streets shall conform to the requirements herein as well and as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable lots and reasonable grades shall be produced. Minor streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.

E Where a planned development abuts or contains an existing or proposed major traffic street, the Board of Supervisors may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

F Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

~~G~~ ~~Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the planned development. Iron or steel markers shall be set as the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all other lot corners.~~

G.~~H.~~ Pedestrian interior walks shall be required where necessary to assist circulation or provide access to community facilities. Such interior walks shall have a paved width of not less than 4 feet.

H.~~I.~~ When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.

I.~~J.~~ All utilities located within a planned development shall be located underground.

J.~~K.~~ Surety bonds to ensure satisfactory completion of required improvements and maintenance, inspection procedures and acceptance of any public rights-of-way shall conform to the requirements of the subdivision regulations enforced for Kiskiminetas Township.

K.~~L.~~ If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the planned development, the developer shall present evidence to the Board of Supervisors that the planned development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate shall be acceptable evidence.

(*Ord. 2-1989*, 11/8/1989, §409)

**§27-410. Guarantee of Improvements.**

No planned development shall be finally approved unless all improvements required by Township law have been installed in strict accordance with such law, or unless a guarantee that the improvements will subsequently be installed by the developer, in the form of a bond, a letter or credit, or deposit of funds or securities in escrow which are acceptable to the Board of Supervisors and are in an amount sufficient to cover the cost of the improvements which may be required, plus 10%. Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of 1 year from the date of final approval of the plan.

(*Ord. 2-1989*, 11/8/1989, §410)

**§27-411. Procedures for Planned Developments.**

Planned developments, including planned residential developments and planned group units shall require submission, review and approval of a preliminary application and of a final application in accordance with the following procedures and requirements.

1. The preliminary application shall include location map, site map, proposed development plan and engineering report. The application shall be submitted to the Zoning Officer with not less than seven copies, and shall be accompanied by the fee.
2. The Zoning Officer shall forward one copy each of the preliminary application to the Planning Commission, the Township Engineer, the Health Department, and the County Planning Commission, the Board of Supervisors shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of 30 days from the date the copies of the application for development were forwarded to said agencies.
3. The Board of Supervisors shall hold a public hearing within 60 days of the filing of such preliminary application, the Board of Supervisors may continue such hearing, or refer the application back to the Planning Commission, but shall complete the hearing within sixty days of the initial hearing. The Board of Supervisors shall render their decision not later than 60 days after the conclusion of the public hearing.
4. The Board of Supervisors shall give tentative approval to a proposed development plan if, and only if, it is found to meet the criteria set forth in Part 4.
5. The grant or denial of tentative approval shall include findings of fact related to the proposed development plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the proposed development plan would or would not be in the public interest including, but not limited to, each of the cited criteria.
6. In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.
7. The decision of the Board of Supervisors shall be in writing and shall be given to the developer personally, or mailed to him at his last known address, not later than 5 working days following the decision.
8. Failure of the Board of Supervisors to render decision and to communicate it to the applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time of change in manner of presentation and communication shall have like effect.
9. The Board of Supervisors may:
10. Grant tentative approval of the subject development plan as submitted.
11. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
12. Deny approval of the development plan.
13. If the developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying the Board of Supervisors within 30 days of the date of the decision.
14. The grant of tentative approval may be revoked by the Board of Supervisors if they are notified by the developer of his intention to abandon the proposed development plan. The grant of tentative approval shall be deemed to be revoked if the developer does not submit an application for final approval within the time limits required by this Part.
15. Application formal approval of each phase shall be filed with Zoning Officer not later than 12 months following the grant of tentative approval, unless otherwise specified by the Board of Supervisors. The application shall comprise one reproducible copy and six prints if the development plan for the phase, including a site plan and supplementary data, and a certificate of completion of improvements or a guarantee of improvements as required by this Chapter.
16. Recording. Upon the approval of a final plan, the developer shall within 90 days of such final approval record such plan in the office of the Recorder of Deeds of Armstrong County.

(*Ord. 2-1989*, 11/8/1989, §411)

**§27-412. Criteria for Approval.**

Planned developments may be allowed or denied by the Board of Supervisors recommendation by the Planning Commission in accordance with the procedures set forth in §27-411.

1. **Findings of Fact.** A development plan for a planned residential development shall be approved if, and only if, it is found to meet the following criteria:
2. **Comprehensive Plan.** The proposed development plan preserves the community development objectives of this Chapter and is consistent with the Comprehensive Plan.
3. **Variances.** Where the proposed development plan departs from the Chapter and subdivision regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the public.
4. **Open Spaces.** The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use and type of development proposed.
5. **Infrastructure.** The physical design of the proposed development plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
6. **Neighborhood.** The total environment of the proposed development plan is harmonious and consistent with the neighborhood in which it is located, and that the long term development of any unused portion of the land owned or controlled by the developer will be harmonious and consistent with the portion of the land proposed for approval.
7. **Environment.** The proposed development plan will afford a greater degree of protection of natural watercourses, topsoil, trees and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding than if subject property were developed in accordance with the provisions of this Chapter and subdivision ordinances which otherwise apply.
8. **Safety.** No use or design feature in the proposed development plan shall involve any element or cause any condition or traffic hazard that may be dangerous, injurious, or noxious to any other property or persons.
9. **Timing.** In the case of a development plan which proposes development over a period of years, the development plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in this Part and as intended to protect the interests of the public and of the residents of the planned residential development and the integrity of the development plan.

(*Ord. 2-1989*, 11/8/1989, §412)

**§27-413. Regulation and Placement of Telecommunications Antennas, Towers and Facilities.**

1. **Definitions.** Specific meanings.

**TELECOMMUNICATIONS ANTENNA** – a device no more than 10 feet in height or a dish not more than 10 feet in diameter attached to a building, structure or telecommunications tower principally intended for the receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone and other wireless services, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications.

**TELECOMMUNICATIONS FACILITY BUILDING** - the building in which the electromagnetic receiving and relay equipment for a telecommunication antenna is housed.

**TELECOMMUNICATIONS TOWER** – a free standing structure, including any guy wires principally intended to support facilities for the receipt or transmission of signals for uses such a commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephones and other wireless services, fixed point microwave, low power television or AM radio, including accessory equipment related to telecommunications.

1. **Telecommunications Tower and Antenna Ordinance.**
2. A telecommunications antenna which is attached to an existing communications tower, smokestack, water tower, or other tall structure, shall be a conditional use in and Industrial (I) and Agricultural (A) Zoning District, subject to the following regulations, and only after review and recommendation by the Kiskiminetas Township Planning Commission and final approval by the Kiskiminetas Township Board of Supervisors. Telecommunications antennas shall be prohibited in all other zoning districts:
3. If a telecommunications antenna is proposed to be attached to an existing structure, there shall be no minimum building setback requirement for the telecommunications antenna.
4. If a telecommunications antenna is proposed to be attached to an existing structure, the antenna shall be no more than ~~10~~15 feet higher than the structure it will be mounted upon.
5. Before presenting the application to the Zoning Officer, the applicant shall be required to obtain approval, from the Federal Aviation Administration if the proposed location of the antenna interferes with any airport zone or air traffic way as determined by the Federal Aviation Administration; provided, however, if the Federal Aviation Administration does not have the authority to approve the site location, antenna height and lighting, the applicant shall provide to the Township written confirmation that the Federal Aviation Administration does not required the site location, antenna height and lighting.
6. If an accessory equipment building or structure is proposed to accommodate the telecommunications antenna, the following regulations shall be adhered to.
7. The building or structure shall be set back at least 50 feet from the street, all other property lines and public right-of-ways.
8. The maximum building height shall be ~~10~~15 feet.
9. The accessory equipment building or structure shall be constructed on the exterior with brick, stucco or metal.
10. The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmission.
11. The maximum gross floor area of the accessory building or structure shall be ~~150~~400 square feet.
12. Lighting for the telecommunications antenna shall be in accordance with the following regulations:
13. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding property.
14. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
15. If any new access to the site is proposed, the following regulations shall be adhered to:
16. Where the site abuts or has a primary arterial and/or local street, access for a maintenance vehicle shall be exclusively by means of the primary arterial street. If possible, direct access from a local street shall be avoided.
17. At least one parking space shall be provided at the site.
18. The access drive to the site shall be at least 15 feet in width and improved with material acceptable to the Township Engineer. No access drive shall be of dirt or of an unimproved nature.
19. If deemed necessary by the Kiskiminetas Township Board of Supervisors, fencing and/or signage may be required in accordance with the following regulations:
20. If fencing is required, it shall be a minimum of 6 feet in height and shall have a locked gate.
21. If high voltage is provided at the site, signs shall be posted at intervals of not more than 20 feet along the exterior perimeter of the site. The signs shall say **“Danger-High Voltage,”** and the words shall be legible from a distance of 20 feet.
22. Any fencing that is required shall be chain linked in nature and shall be of a minimum density necessary to be considered at minimum, heavy gauged chain linked fence.
23. The owner of said antenna shall be required to post, with the Township, a bond equal to the cost of removing a telecommunications antenna and facility building and shall remain in full force and effect until said antenna is removed. Any abandoned or unused telecommunications antenna shall be removed by the owner within 12 months of the date that the antenna was abandoned or last used. If a telecommunications antenna is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment. If the owner fails to do so within 30 days of the abandonment, the Township shall be permitted to deem the same abandoned and the owner shall be required to file an application and reappear before the Board of Supervisors before restarting the use of said antenna if the same occurs following the notice to the owner by the Township at the last known address of the owner by ~~regular~~registered/certified United States Mail, postage prepaid, and within 12 months as identified in this Section. If an abandoned or unused telecommunications antenna is not removed within the 12 month period so identified, the bond shall be immediately forfeited and shall be utilized by the Township of Kiskiminetas for removal of the antenna in question.
24. If only a telecommunications antenna is proposed and no accessory buildings will be located on the site, no landscaping plants shall be required. However, if any accessory buildings are proposed in conjunction with the telecommunications antenna, landscaping shall be required as follows:
25. The entire perimeter of the site shall be landscaped with trees, shrubs, plants and/or flowers. At least one tree shall be provided for every 20 feet of exterior linear property distance. The trees may be evenly placed or may be grouped together to provide a creative site design. If trees are grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping such as shrubs, in order to provide for the full landscaping of the exterior property lines.
26. ~~The perimeter of any accessory building or structure shall be landscaped with trees, shrubs, plants and/or flowers. The landscaping shall be adequate to cover outward facing walls of the accessory building or structure.~~
27. (b) For the above specified landscaping, a mixture of hardy flowering shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. At all times, the flowers, trees, shrubs or landscaping shall be maintained and shall not be permitted to overgrow nor shall weeds and tall grass be permitted. The owner shall be responsible to maintain the site at all times keeping the site free and clear of debris, high grass, and weeds throughout the landscaping or deterioration of any of the buildings or the telecommunications antenna.
28. A site plan shall be required for any proposed telecommunications antenna.

(10) In addition to the conditional use approval, all applicants who propose a telecommunications antenna shall submit for approval to the Township a detailed site plan, including antenna location, height and design, proposed access, drainage improvements with a storm water management plan and a landscaping plan.

(11) The Township may impose additional conditions on an applicant proposing to install a telecommunications antenna in order to promote the general health, safety and welfare of the community.

(12) An applicant proposing a telecommunications antenna shall have the burden of satisfying all other provisions of the Kiskiminetas Township Zoning Ordinance which relate to the procedure and general requirements for approval of conditional uses.

1. Telecommunications towers and antennas shall only be permitted as a conditional use in an Industrial (I) and Agricultural (A) District subject to the following regulations and only after review and recommendation by the Kiskiminetas Township Planning Commission and final approval by the Board of Supervisors of the Township of Kiskiminetas. Telecommunications towers shall be prohibited in all other zoning districts. The applicant who proposes to construct a new telecommunications tower shall provide the Township with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing telecommunications network. Any other location contemplated by the applicant shall also be disclosed to the Township and the reasons for not selecting such location shall be explained to the Township in writing. Before an applicant proposes to construct a new telecommunications tower, the applicant shall attempt to locate and/or co-locate the proposed antenna on an existing telecommunication tower or other tall structure. The procedure for this co-location requirement shall be followed by all applicants proposing a new telecommunications tower and is described in subsection (1) below.
2. The applicant shall contact all owners of surrounding telecommunications towers and tall structures within 1 mile of the proposed location of the telecommunications tower in order to determine if the proposed telecommunications antenna can be located on an existing telecommunication tower or tall structure. The applicant shall provide the Township with a scale map indicating the location of the proposed tower, illustrating a 1 mile radius from the tower and illustrating any structure with a height in excess of 60 feet within this 1 mile radius.
3. If there is a structure within the aforesaid radius with a height in excess of 60 feet, the applicant shall contact the owner and attempt to locate the tower structure. The following factors shall be considered in determining if the telecommunications antenna can be located on an existing structure: 1) Availability on the structure to locate the antenna; 2) The structure’s structural integrity to support the antenna; 3) Radio frequency interference; 4) Geographic service requirements; 5) Mechanical or electrical incompatibilities and 6) A comparative cost of co-location and new construction.
4. The applicant shall provide the Township with the initial written correspondence from the applicant to the owner of the structure, which inquires into the possibility of sharing space. Additional correspondence from the applicant or an owner of a structure shall be forwarded by the applicant to the Township.
5. The applicant who can utilize any existing structure (in excess of 60 feet in height) shall make every effort in good faith to utilize the existing structure rather than constructing a new tower.
6. If an existing structure is within the aforesaid radius of the proposed tower and the applicant does not contact the owners of such structure or does not make good faith efforts as described above, the Township may deny the request for a conditional use approval based on such inaction.
7. If the applicant succeeds in co-locating an antenna on an existing structure, the approval procedures specified in subsection (A) shall be adhered to.
8. If the applicant proposing a new telecommunication antenna is not bound by the aforementioned co-location requirements (due to inapplicability of available site), the following design criteria shall be adhered to:
9. The following building dimensional requirements and setbacks shall be adhered to by all telecommunications towers:
10. Towers more than 40 feet in height and up to 200 feet in height shall be located on the lot so that the distance from the base of the tower to the boundary or edge of any adjoining property or public right-of-way is a minimum of 125% of the proposed tower height. No variance shall be granted from the minimum setback requirement. The lot in question shall be at least 2 acres in size.
11. Towers shall be set back a distance equal to 125% of their height from any existing building used for human habitation or used or occupied by humans on a regular basis.
12. In addition to the regulations specified above, any proposed telecommunications tower shall be set back a minimum 500 feet from any existing residential dwelling or adjoining properties.
13. The maximum height of a telecommunications tower shall be as follows:
14. No telecommunications towers shall exceed 200 feet in height.
15. In addition to the above specified requirement in subsection 1) above, no telecommunication tower shall infringe on any Federal Aviation Administration controlled airspace.
16. Any tower proposed which may infringe on any Federal Aviation Administration controlled airspace requires written approval of the site location and plan by the Federal Aviation Administration.
17. If the Federal Aviation Administration does not desire to approve the site location, tower height and lighting, the applicant shall provide the Township with written confirmation fromtheFederal Aviation Administration that they do not regulate the site location, height and lighting of the telecommunications tower.
18. The minimum lot size of a lot which will contain a telecommunications tower shall be 2 acres. The minimum lot size shall be increased as required to meet the minimum setback requirements specified in subsection (2)(a) above.
19. If any accessory equipment building or structure is proposed with the telecommunications tower, the following requirements shall be adhered to:
20. The building or structure shall be situated at or near the base of the tower and shall be set back at least 50 feet from the edge or boundary line of any public right-of-way and all other adjoining property lines.
21. The maximum building height shall be ~~10~~15 feet.
22. The accessory equipment building or structure shall be constructed on the exterior of brick, stucco or metal.
23. The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmission.
24. The maximum gross floor area for the accessory building or structure shall be ~~150~~400 square feet.
25. Access to the site and parking at the site of the telecommunications tower shall be provided as follows:
26. Where the site abuts or has access to a primary arterial road or local street, access for maintenance vehicles shall be exclusively by means of the primary arterial street. If possible, direct access from a local street shall be avoided.
27. At least one parking space shall be provided at the site.
28. The access drive to the site shall be a minimum of 15 feet in width and improved with the material suitable to the Township Engineer. No access drive shall be of a dirt or an unimproved nature.
29. Lighting for the telecommunications tower shall be as follows:
30. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding property.
31. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
32. Depending on the proposed location of the communication tower, the Township may require fencing and/or signage of the site.
33. If fencing is required, it shall be a minimum of 6 feet in height and shall have a locked gate. The fence shall be made of chained link which shall be deemed and defined as heavy gauge chain link.
34. If high voltage is provided at the site, signs shall be posted at intervals of not more than 20 feet along the exterior perimeter site. The signs shall say **“Danger-High Voltage,”** and the words shall be legible form a district of 20 feet.
35. The owner of said antenna or tower shall be required to post, with the Township, a bond equal to the cost of removing a telecommunications antenna, tower and/or facility building, and shall remain in full force and effect until said antenna, tower and/or facility building is removed. Any abandoned or unused telecommunications antenna, tower and/or facility building shall be removed by the owner within 12 months of the date that the antenna, tower and/or facility was abandoned or last used. If a Telecommunications antenna, tower and/or facility building is abandoned; the owner shall be required to immediately notify the Township in writing of the abandonment. If the owner fails to do so with 30 days of the abandonment, the Township shall be permitted to deem the same abandoned and the owner shall be required to file an application and reappear before the Board of Supervisors before restarting the use of said antenna, tower and/or facility building if the same occurs following the notice to the owner by the Township at the last known address of the owner by ~~regular~~registered/certified United States Mail, postage prepaid and within 12 months as identified in this Section. If an abandoned or unused telecommunications antenna, tower and/or facility building is not removed within the 12 month period so identified, the bond shall be immediately forfeited and shall be utilized by the Township of Kiskiminetas for removal of the antenna, tower and/or facility building in question.
36. The entire perimeter of the site shall be landscaped with trees, shrubs, plants and/or flowers. At least one tree shall be provided for every 20 feet of exterior linear property distance. The trees may be evenly placed or may be grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping such as shrubs, in order to provide for the full landscaping of the exterior property lines.
37. The perimeter of any accessory building or structure shall be landscaped with trees, shrubs, plants and/or flowers. The landscaping shall be adequate to cover outward-facing walls of the accessory building or structure.
38. For the above specified landscaping, a mixture of hardy flowering, shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. At all times, the flowers, trees, shrubs or landscaping shall be maintained and shall not be permitted to overgrow nor shall weeds and tall grass be permitted. The owner shall be responsible to maintain the site at all times keeping the site free and clear of debris, high grass and weeds throughout the landscaping or deterioration of any of the buildings or the telecommunications tower.
39. A site plan shall be required for any proposed telecommunication tower.
40. In addition to the conditional use approval, all applicants who propose a telecommunications tower shall submit for approval to the Township a detailed site plan, including tower location, height and design, proposed access, drainage improvements with storm water management plan and a landscaping plan.
41. The Township may impose additional conditions on an applicant proposing to install a telecommunication tower in order to promote the general health, safety and welfare of the community.
42. An applicant proposing a telecommunications tower shall have the burden of satisfying all other provisions of this Chapter which relate to the procedure and general requirements for approval of conditional uses.

(*Ord. 2-1989*, 11/8/1989, as added by *Ord. 1-2001*, 7/23/2001, Art. 1-11)

**PART 5**

**ADMINISTRATION AND ENFORCEMENT**

**§27-501. Zoning Officer.**

The Zoning Officer, who shall be appointed by the Board of Supervisors, shall:

1. Administer and enforce the provisions of this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
2. Issue zoning permits and zoning occupancy permit. *[Ord. 2-1994]*
3. Maintain a permanent file of all zoning permits and applications as public records. (*Ord. 2-1994)*
4. The Zoning Officer shall identify and register all nonconforming uses, and structures as required by law. A zoning occupancy permit shall then be issued to the owner or said use or structure.
5. Work is supervised by an administrative superior. Assignments are varied, involve the exercise of independence and judgment and are performed in accordance with established technical and legal requirements and standards. Work involves exposure to the elements

(*Ord. 2-1989*, 11/8/1989, §201; as amended by *Ord. 2-1994,* 6/8/1994, §1)

**§27-502. Zoning Permit.**

A zoning permit shall be obtained before any person or entity may: *[Ord. 2-1994]*

1. Occupy or use any vacant land.
2. Occupy or use a structure hereafter constructed, reconstructed, moved, altered, or enlarged.
3. Change the use of a structure or land to a different use.
4. Change a nonconforming use.
5. Applications for a zoning permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions, and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Chapter, together with the filing fee in accordance with the schedule annually affixed by resolution of the Board of Supervisors. (*Ord. 2-1994)*
6. Zoning permits shall become null and void one year from date of issue. Prior to continuance of the activity or change for which the original permit was issued, a new zoning permit must be obtained. The zoning permit may be renewed by the Zoning Officer if there has been no change in applicable zoning regulations, and if such renewal is requested within 1 month of the date of expiration of said zoning permit. If applicable zoning regulations have been changed, the full review and approval procedure required by this Chapter shall apply. Any zoning permit issued by authorization of the Zoning Hearing Board shall not be renewed except by authority of the Zoning Hearing Board. *[Ord. 2-1994]*
7. Within 60 days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application or submit the application to appropriate review agencies in conformance with the provisions of this Chapter. All zoning permits shall be conditional upon the commencement of work within 1 year and substantial completion with 2 ½ years. *[Ord. 2-1994]*
8. Prior to the issuance of a zoning permits for any use in a floodplain the Zoning Officer shall require the applicant to indicate compliance with all applicable State and Federal laws. *[Ord. 2-1994]*
9. The Zoning Officer shall inspect the site at the beginning of construction and every three months thereafter until the construction is completed. The Zoning Officer shall check during construction to determine whether work is in compliance with the approved zoning permit, and he may require certification by a qualified engineer or surveyor that all structures are being built to the required elevations and to other standards set forth by the zoning permit. *[Ord. 2-1994]*
10. If the Zoning Officer finds that work does not comply with the applicable standards, or that there has been a misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit. *[Ord. 2-1994]*
11. If the Zoning Officer finds reasonable grounds to believe that there has been a violation of any provisions of this Chapter, he shall give notice of such alleged violation. Such notice shall (1) be in writing; (2) include a statement of the reasons for its issuance; (2) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (4) be served upon the property owner or his agent in accordance with law; and (5) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

*(Ord. 2-1989,* 11/8/1989, §502; as amended by *Ord. 2-1994,* §1)

**§27-503. Zoning Occupancy Permits.**

Prior to occupancy of land or structure or to the change of tenants, ownership or occupants of any structure, other than a one-family house, mobile home or farm, a zoning occupancy permit shall be obtained from the Zoning Officer stating that the premises is in full compliance with this Chapter.

1. A zoning occupancy permit shall be revocable where the Zoning Officer determines that the occupant is not complying with every condition required by the issuance of said permit.

*(Ord. 2-1989,* 11/8/1989, §503)

**§27-504. Guarantee of Improvements.**

Prior to issuance of a zoning occupancy permit for any site plan, conditional use or other approval required by this Chapter wherein the developer is required or has agreed as a condition of approval to provide and install specific amenities and improvements, the developer shall have completed all such improvements or provide a guarantee of installation and completion of such improvements.

1. The improvements to be guaranteed shall include but not be limited to the installation of streets, shrubbery and other plant materials, installation of sidewalks, fences or other landscape materials, the provision of driveways, pathways or other remedy related to circulation, and the demolition and removal of any structure.
2. The guarantee shall be a completion bond, escrow agreement or account approved by the Township Solicitor as to form and content, and shall be in the amount of 110% of the estimated cost of all remaining improvements.
3. The Board of Supervisors shall promptly release the developer from the guarantee only if they determine with appropriate advice from the Zoning Officer that all improvements have been completed in accordance with all agreements set forth as a condition of the required zoning approval.

*(Ord. 2-1989,* 11/8/1989, §504)

**§27-505. Enforcement Remedies.**

1. Any person, partnership, or corporation who or which shall violate the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by ~~a municipality the~~ Kiskiminetas Township, shall pay a judgment of ~~not more than~~ $500 per violation,per day plus all court costs including reasonable attorney’s fees incurred by the Township.

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 Township 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 determining that there has been a violation further determines that there as 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 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 zoning ordinances shall be paid over to the Township.

1. The Court of Common Pleas of Armstrong County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
2. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

*(Ord. 2-1989,* 11/8/1989, §505; as amended by A.O.)

**§27-506. Enforcement Notice.**

1. If it appears to the Township that a violation of any zoning ordinance enacted under this Chapter or prior enabling laws has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. 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.
3. An enforcement notice shall state at least the following.
4. Appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board , or any court in a subsequent appeal, rules in the name of the owner of record and any other person against whom the Township intends to take action.
5. The location of the property in violation.
6. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
7. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
8. That the recipient of the notice has the right to appeal to the Zoning Hearing Board with a prescribed period of time in accordance with procedures set forth in this Chapter.
9. In any appeal of an enforcement notice to the Zoning Hearing Board the Township shall have the responsibility of prescribing its evidence first.
10. Any filing fees paid by a party to appealing party’s favor.

*(Ord. 2-1989,* 11/8/1989; as amended by A.O.)

**§27-507. Amendments.**

The Board of Supervisors may amend this Chapter as proposed by a member of the Board of Supervisors, by the Planning Commission, or by a petition of a person residing or owning property within the Township in accordance with the following provisions:

1. Petitions for amendment, shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Supervisors and to the petitioner. The proposed amendment shall be introduced before the Board of Supervisors only if a member of the Board of Supervisors elects to do so. If an amendment proposed by petition is not introduced the advertising deposit shall be refunded to the petitioner.
2. Any proposed amendment introduced by a member of the Board of Supervisors without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review, at least thirty days prior to public hearing by the Township.
3. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.

*(Ord. 2-1989,* 11/8/1989, §507)

**§27-508. Zoning Hearing Board.**

1. In accordance with law, the Board of Supervisors shall appoint a Zoning Hearing Board, which Zoning Hearing Board shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution of the Board of Supervisors for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers and obligations specifically granted by law.
2. The members of the Zoning Hearing Board shall be paid a fee for attendance at each duly scheduled and properly advertised hearing of the Zoning Hearing Board in a sum equal to that sum which is paid to members of the Board of Supervisors for attendance at regularly scheduled and duly advertised meetings of the Board of Supervisors. The compensation payable may change from time to time depending upon the then existing rate payable to the Board of Supervisors. It is the intention that if the compensation payable to the Board of Supervisors should be changed then the compensation for members of the Zoning Hearing Board will be tied to and automatically changed at the time and for the same periods. *[Ord. 2-1990]*
3. **Appeals from the Zoning Officer.** The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Chapter or of the zoning map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be made by landowners, developers, or persons aggrieved and may relate to such subject matter as to whether a zoning permit or zoning occupancy permit should be issued or whether a stop work order should be issued. *[Ord. 2-1994]*
4. **Challenges to the Validity of the Ordinance.** The Zoning Hearing Board shall hear challenges to the validity of this Chapter or map raising substantive questions. Procedural questions or an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of the Board of Supervisors to the Court. Challenges to the validity of the ordinance or map to the Zoning Hearing Board include challenges such as exclusionary zoning or spot zoning.
5. **Variances.** The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case.
6. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shaped, 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 provisions of this Chapter in the district in which the property is located.
7. 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 this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of such property.
8. That such unnecessary hardship has not been created by the appellant.
9. 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.
10. 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.
11. When a variance is grantedto permit a business to operate at a given location within the townshipno other business or service shalloperate or be allowed to operate at that location other than the one granted by the variance
12. The owner and/or operator of any such business than that permitted by the variance shall be issued a cease and desist order by the township zoning officer upon the findingof such other business or service at that location .
13. **Special Exceptions.** The Zoning Hearing Board shall hear and decide requests for special exceptions enumerated in §27-305. A special exception is issued for an exceptional use which may be permitted within a particular zoning district if the Zoning Hearing Board determines its availability. Such uses are made available as a privilege, not as a right, assuming that the requisite facts and conditions, detailed in the Chapter are found to exist. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
14. In considering applications for special exceptions and variances in floodplain districts the Zoning Hearing Board shall give due consideration to the danger to life and property due to increased flood heights or velocities caused by encroachment. No special exception or variance shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the 100 year flood. The Zoning Hearing Board shall notify the applicant for such special exception or variance, in writing, that the construction of a structure below the 100 year flood elevation increases risks to life and property, and will result in increased premium rates for flood insurance.
15. **Stay of Proceedings.** Upon the filing of proceedings before the Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception and during the pendency of such proceedings before the Zoning Hearing Board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or be stayed otherwise by a restraining order which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

**Hearings.** The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

1. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in absence of ordinance, provision by rules of the Zoning Hearing Board.
2. The hearing shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer.
3. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board.
4. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Zoning Hearing Board or hearing officer, as the case may be, shall keep a full and careful record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
8. The Zoning Hearing Board or hearing officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
9. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the Zoning Hearing Board fails to render the decision within 45 days after the last hearing before the Zoning Hearing Board or hearing officer or fails to hold the required hearing on the application within 60 days from the date of the applicant’s request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within 10 days in the same manner as provided in subsection (A).
10. A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant and to all other persons who have filed their name and address with the Zoning Hearing Board personally or by mail not later than the day following its date.

*(Ord. 2-1989,* 11/8/1989, §508; as amended by *Ord. 2-1990*, 3/14/1990, §1; by *Ord.2-1994,* 6/8/1994, §1)

**§27-509. Procedure for Landowner Curative Amendments.**

1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Municipalities Planning Code.   
   The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in §916.1. The curative amendment and challenge shall be referred to the Planning Commission or agencies as provided in §609 of the Municipalities Planning Code and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the Municipalities Planning Code.
2. The hearing shall be conducted in accordance with §908 of the Municipalities Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this Section be reference to the Board of Supervisors: provided, however, that the provisions of \*908(1.2) and (9) of the Municipalities Planning Code shall not apply and the provisions of \* 916.1 of the Municipalities Planning Code shall control. If the Township does not accept a landowner’s curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner’s curative amendment and challenge.
3. The Board of Supervisors of the Township which has determined that a validity challenge has merit may accept a landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
4. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
5. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
6. The suitability of the site for the intensity of use proposed by the site’s soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
7. The impact of the proposed use on the site’s soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and to cure pursuant to the provisions of §§609.1 and 916.1 of the Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended zoning ordinance for which there has been a curative amendment pursuant to this Section.
8. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

*(Ord. 2-1989,* 11/8/1989, as added by A.O.)

**§27-510. Procedure for Municipal Curative Amendments.**

If the Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

1. The Township shall declare by formal action, its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the Board of Supervisors of the Township shall:
2. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
3. References to specific uses which are either not permitted or not permitted in sufficient quantity.
4. Reference to a class of use or uses which require revision; or
5. Reference to the entire ordinance which requires revisions.
6. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
7. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, it zoning ordinance pursuant to the provisions required in §609 of the Municipalities Planning Code in order to cure the declared invalidity of the zoning ordinance.
8. Upon initiation of the procedures, as set forth subsection (A), the Board of Supervisors shall not be required to entertain or consider any landowner’s curative amendment filed under \*609.1 of the Municipalities Planning Code nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by subsection (A)(1). Upon completion of the procedures as set forth in subsections (A) and (B), no rights.
9. The Township having utilized the procedures as set forth in subsections (A) and (B) may not again utilize said procedures for a 36 month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its zoning ordinance, pursuant to subsection (B); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

*(Ord. 2-1989,* 11/8/1989; as added by A.O.)

**§27-511. Publication, Advertisement and Availability of Ordinances.**

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charged not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general publication in the Township not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
2. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
3. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
4. In the event substantial amendments are made in the proposed ordinance amendments, before voting upon enactment, the Board of Supervisors shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
5. Zoning ordinances and amendments may be incorporated into official ordinances books by reference with the same force and effect as if duly recorded therein.

*(Ord. 2-1989,* 11/8/1989, as added by A.O.)

**§27-512. Jurisdiction.**

District justices shall have initial jurisdiction over proceedings brought under §27-505.

*(Ord. 2-1989,* 11/8/1989, as added by A.O.)

**PART 6**

**DEFINITIONS**

**§27-601. General.**

Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is mandatory and not permissive.

**ACCESSORY STRUCTURE** – a subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

**ACCESSORY USES** – A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

**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 / 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) adult media that includes 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 activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities; and meets at least one of the following criteria:

* 1. more than thirty percent of the floor area is devoted to adult media or instruments,devices, or paraphernalia which are designated for use in connection with specifiedsexual actions (not including storerooms, stock areas, bathrooms, basements, or anyother portion of the business not open to the public);
  2. more than thirty percent of the gross sales (including rentals) result from the sale or rental of adult media instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;

c. more than thirty percent of the dollar value of all merchandise displayed at any time is attributable to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities;

d. more than thirty percent of all inventory consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specific sexual activities at any time;

e. more than thirty percent of the merchandise displayed for sale consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual activities; or

f. more than thirty percent of the stock in trade consists of such items at any time.

**ADULT DAY CARE FACILITY** – a single-family dwelling for not more than 5 persons, 18 years of age or older, at any give time, who do not require care for chronic, convalescent, medical, or nursing issues, beyond care normally provided in a home setting, but require supervision due to physical and / or mental disabilities, that clearly provides for the normal care and safety of such persons within the facility for periods of less than 24 hours. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

**AGRICULTURAL BUILDING** – a structure designed and constructed to house farm

implements, hay, grain, poultry, livestock, or other horticultural products. Such structure

shall not be a place of human habitation or a year-round place of employment where

agricultural products are processed, treated, packaged; nor shall it be a building or

structure open year-round for use by the public. A farmer’s market building will be

considered an agricultural building so long as it is located on the farmstead where the

products are grown.

**AGRICULTURAL OPERATIONS** – an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. ~~[A.0.1]~~

**AGRICULTURE** – any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

**AIRPORT** – an area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights of way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

PRIVATE AIRPORT – an airport that is privately owned and which is not open or intended to be open to the public.

PUBLIC AIRPORT – an airport that is either publicly or privately owned and is open to the public.

**AMATEUR RADIO ANTENNA –** the arrangement of wires or metal rods used in the sending and receiving of electro-magnetic waves

**AMUSEMENT PARK –** an establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

**AMUSEMENT / RECREATION CENTER** – an establishment that is not a sexually adultoriented business and offers recreation, entertainment, or games to the general public for a fee or charge.

**INDOOR AMUSEMENT CENTER** – an entirely enclosed facility operated as an amusement / recreation center commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pools, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

**OUTDOOR AMUSEMENT CENTER** – a partially or entirely unenclosed facility operated as an amusement / recreation center that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, motorcycle / ATV trails, or any other similar use.

**AMUSEMENT USE** – a theater, stadium, arena, bowling alley or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

**ANIMAL BOARDING FACILITY** – A commercially licensed facility for the temporary housing and care of animals for a fee.

**ANIMAL CLINIC** – A facility for the treatment of animals and the boarding of animals that are in treatment or recovery

**ANIMAL FEEDING OPERATION (AFO)** – an animal housing facility that stables, confines, and feeds or maintains animals for a total of forty-five days or more in any twelve month period where crops or vegetation are not sustained in the normal growing season over any portion of the lot or facility.

**ANIMAL SHELTER** - governmental or private organizational facilities that provide temporary homes for stray, surrendered, or abandoned pet animals until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

**APARTMENT** – a dwelling unit in a multiple-family residential structure containing three or more dwelling units.

**APPLICANT** – a land owner, or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the use, improvement of development of any parcel or structure under this Chapter.

**AREA** – area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

**ARENA –** a completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation**.**

**ART, CRAFT, OR ANTIQUE SHOP –** retail establishments specializing in the sale of handmade, primitive, historical, and cultural items and artifacts.

**AUTOMOBILE REPAIR / SERVICE –** any building or lot used for the maintenance, servicing, repair or painting of vehicles.

**AUTOMOBILE SALES –** any facility or lot used for the sale of automobiles**.**

**AUTOMOBILE SALVAGE** – the dismantling or wrecking of used motor vehicles, trucks, trailers, farm equipment or mobile homes, or the storage, sale or dumping of dismantled or partially dismantled, obsolete, or wrecked vehicles or their parts.

**BAKERY** – an establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

**BANK / FINANCIAL INSTITUTION** – an establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

**BARBERSHOP / BEAUTY SALON** – an establishment where one or more persons engage in the practice of barbering or cosmetology including, but not limited to, shampooing, cutting, and dressing hair, or other beauty treatments such as facials and manicures.

**BASEMENT** – the part of a building that is wholly or partially below ground level. This room does not count as a story.

**BASIC GRADE** – a reference plane representing the average of the finished ground level adjoining a structure at all its exterior walls.

**BEACON** – any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST INN** – an owner-occupied single-family dwelling that contains not more than ten guest bedrooms used for providing overnight accommodations to thepublic, not to exceed ten consecutive days, and in which breakfast is the only meal served and is included in the charge for the room.

**BILLBOARD** – an off-premises sign, which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located, through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

**BOARD** – Board of Supervisors of the Township of Kiskiminetas, County of Armstrong, Commonwealth of Pennsylvania.

**BOARDING HOUSE** - (includes Rooming House) – a one (1) family dwelling occupied by the landowner thereof, and the landowner’s family, if applicable, in which building the landowner lets or provides for compensation rooms for the lodging of not more than two(2) individuals and the total number of such persons residing in the building, including the landowner, the family of the landowner, and boarders, exceeds three (3) persons.

**BOAT AND MARINE SALES / SERVICE** – any building or lot used for the sales, maintenance, servicing, repair or painting of boats or other related water craft.

**BORE HOLES** – structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed air, methane, and other items to facilitate the mining and removal of coal.

**BOUNDARY** – a line, usually a property or street right-of-way line or the centerline of a recognizable physical feature such as a highway, stream, or railroad that demarcates the edge of a district or area.

**BREWERY PUB** – a facility where malt or brewed beverages are manufactured on site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations, however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises. The facility must be licensed by the Commonwealth of Pennsylvania and conducted in accordance with Commonwealth requirements.

**BROADCASTING STUDIO** – any radio and television premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

**BUFFER AREA** – a strip of land adjacent to the boundary of a property or district, not less inwidth than is designated in this Ordinance, that is planted and maintained in shrubs,bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

**BUILDABLE AREA** – the area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 2 in the Appendices.

**BUILDING** – any structure having a roof supported by columns or by walls and

Intended for the shelter, housing or enclosure of person, animal, or vehicle.

**ACCESSORY BUILDING** – a detached building customarily incidental and subordinateto the principal building and located on the same lot.

**PRINCIPAL BUILDING** – a building in which is conducted the principal use of the siteor lot on which it is situated. In all residential districts, any dwelling shall be deemed tobe a principal building on the lot on which it is located.

**BUILDING, HEIGHT OF** – the vertical distance measured from the average elevation of theproposed grace at the front of the building to the highest point of the roof for flat roofs, tothe deck line of mansard roofs; to the mean height between eaves and ridge for gable, hipand gambrel roofs. If there are two or more separate roofs on a single building, theheight of such building shall be calculated from the highest roof.

**BUILDING LINE** – a line enclosing the area of any property or lot within which constructioncan occur as determined by the yard requirements for the zoning district in which theproperty or lot is located.

**FRONT BUILDING LINE** – an imaginary line across the front of a property betweenside property lines parallel to the street right-of-way line and distance from the depth ofthe required front yard setback for the zoning district in which the property is located.

**BUILDING MATERIAL FACILITY / LUMBERYARD** – a facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or without an enclosed building.

**BUILDING PERMIT** – documentation attesting that a proposal for construction meets all requirements of this Ordinance and other applicable requirements relative to development and allowing such proposed construction to commence.

**BUILDING SETBACK LINE** – an established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines. See Figure 2 in the Appendices.

**BUS / OTHER TRANSIT SHELTER** - a covered structure at a bus or other transit stop providing protection against the weather.

**BUS / OTHER TRANSIT TERMINAL, DEPOT, AND PASSENGER STATION** – a facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principle service. This term shall not include bus or other transit passenger stops nor the long-term parking of busses.

**BUS / OTHER TRANSIT STOP** – a place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

**BUS / OTHER TRANSIT VEHICLE MAINTENANCE / STORAGE** – a facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

**BUSINESS SCHOOL** – a commercial enterprise involving the teaching of business or related skills to adults.

**BUSINESS SERVICES** – a service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

**CAMPGROUND** – a publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents or recreational equipment / vehicles open to the public for free or for a fee.

**CANOPY** – a permanent roof-like structure either projecting from a building façade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

**CARNIVAL** – a temporary traveling commercial exhibition that includes amusement activities,including but not limited to amusement rides, menageries, animal shows, exhibitions,games, and / or food and beverage stands which are open to the public for admission towhich a fee is charged. Amusement ride means a mechanical device that carriespassengers along, under, around, through or over a fixed course, or within a limited area,for the amusement of the passengers, and includes but is not limited to a merry-go-roundor Ferris wheel.

**CAR WASH** – any building, site, premise or facility or portions thereof, that involves attendantsor that is automated or self serve used for the purposes of cleaning or reconditioning the interior andexterior surfaces of automobiles, but not including an incidental one-bay washing facilityin an automobile or gasoline service station where such facilities are purely incidental tothe principle operation.

**CARPORT** – an open-sided automobile shelter sometimes formed by an extension of a roof fromthe side of a building.

**CATERING BUSINESS** – an establishment used for the preparation and delivery of food andbeverages for off-site consumption. This establishment may provide for on-site pickupbut may not provide for on-site consumption.

**CEMETERY** – land used or intended to be used for the burial of the deceased, including columbarium’s, crematory, mausoleums, and mortuaries when operated in conjunctionwith the cemetery and within the boundaries.

**CENTERLINE** – an imaginary line running parallel to street or easement right-of-way lines andequidistant from the lines on each side of the street or easement, or a line following thecenter of a physical feature such as a stream.

**CHILD DAY CARE FACILITY** – any institution or place licensed by the Commonwealth ofPennsylvania which is maintained in whole or in part for the care of children, not ofcommon parentage, apart from their parents or guardians, under the age of sixteen duringany part of a day with or without stated educational purposes. This definition shallinclude Child Day Care Centers and Family Day Care Homes but shall not apply topublic, private or parochial school systems.

**CHILD DAY CARE CENTER** – a facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

**FAMILY DAY CARE HOME** – any single family residence, other than the child’s own home, in which child day care is provided at any time for up to six (6) children who are not relatives to the care giver where the child care areas are being used as a family residence.

**CIRCUS** - a temporary traveling show or exhibition that has no permanent structure or installation, typically presented in one or more tents or in an outdoor or indoor arena, which entertains the public by the provision of performances such as feats of skill or daring by humans or animals, displays of pageantry, amusement rides, exhibitions, games, and / or food and beverage stands.

**CLINIC** – an establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.~~any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.~~

**CLOTHING / WEARING APPAREL SALES AND SERVICE** – the retail sales and service of clothing and wearing apparel typically found in clothing stores, tailors, shoe stores, shoe repair stores, and jewelry stores

**CLUB –** an organization catering exclusively to members and their guests including premises and / or buildings for social, recreation, and administrative purposes that are not conducted for profit providing also that vending stands, merchandising or commercial activities are not conducted except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social and athletic clubs.

**COMMERCIAL RECREATION** – Skating Facilities, BMX tracks, bowling centers and athletic court facilities.

**COMMUNICATIONS ANTENNA –** any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other

**COMMUNICATIONS EQUIPMENT BUILDING –** an unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

**COMMUNICATIONS TOWER** – a structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

**COMMUNITY CENTER –** a structure or area used for fraternal, social, cultural, and / or recreational programs generally open to the public and designed to serve significant segments of the local community.

**CONDOMINIUM/CONDOS –** real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act. To ensure adequate provision for maintenance of roads and shared facilities, development of condominiums or conversion of an existing development into condominiums shall always be treated as a subdivision and land development**.**

**CONTINUING CARE FACILITY** – a residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services: assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care facility; personal support services for a continuing care facility; skilled nursing facility.

**HOME AND COMMUNITY BASED SERVICES FACILITY** – a facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

**PERSONAL SUPPORT SERVICES FOR A CONTINUING CARE FACILITY** – services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities.

**CONDITIONAL USE** – a specific exception to the standard regulations of this Chapter which requires approval by the Board of Supervisors under terms and procedures and with conditions prescribed herein.

**CONSTRUCTION** – the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONTRACTOR’S YARD** – a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

**CONVENIENCE STORE** – a retail establishment with a sales area of five thousand square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and / or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions.

**CONVENIENCE STORE SELLING GASOLINE** – retail establishments meeting the criteria for a Convenience Store that have more than four (4) fuel islands or more than eight (8) fueling positions on the premises.

**CONVERSION APARTMENT** – a dwelling unit established from a portion of a larger unit, containing all the facilities normally found in a dwelling including adequate heat, light, ventilation, and means of egress.

**COPYING AND PRINTING SERVICE** – an establishment that provides copying, printing, typesetting and related clerical services and / or the retail sales of supplies used for copying and printing. This does not include commercial publishing or printing businesses or retail sales of copy machines.

**CORRECTIONAL FACILITY** – a publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and / or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

**CREMATORIUM** - an establishment containing a crematory furnace for reducing dead bodies, either animal or human, to ashes by burning.

**DISTRIBUTION FACILITY** – any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution**.**

**DECISION** – final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Armstrong County. ~~[A.O.]~~

**DETERMINATION –** final action by an officer, body or agency charged with the administration of any land use ordinance or applications there under, except the following:

1. The Board of Supervisors.
2. The Zoning Hearing Board.
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.
4. Determination shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEPENDENT DWELLING** – a dwelling unit accessory to a principal one family house, installed and intended solely for the use of elderly parents, or other dependent close relatives. *[Ord. 2-1994]*

**DEVELOPMENT** – any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

**DOMESTIC ANIMAL** – a pet such as a dog or cat or other small tame animal normally staying inside a house and which poses no threat to the health and safety of residents of the house or of neighbors.

**DOMICILIARY CARE HOME** – a single-family dwelling certified by the Commonwealth (Department of Aging) for the purpose of providing a supervised living arrangement in a homelike setting for no more than three (3) adults who are disabled physically, mentally, emotionally or are aged persons and who are not relatives of the operator and are unable to live alone for a period exceeding twenty-four consecutive hours. These facilities must meet state and federal fire, safety, health, sanitary and program standards

**DRY CLEANER** – an establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer

**DWELLING** – one or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

**DWELLING UNIT** – any structure designed or used as a living quarters one or more families.

**EQUESTRIAN FACILITY** – horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

**EQUIPMENT RENTAL / REPAIR** – a business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for streetuse.

**ESSENTIAL SERVICE INSTALLATIONS** - The erection, construction, or alteration of underground or overhead directional, transmission, or distribution systems and uses; by public utilities and Federal, State, County, or Local governmental departments, commissions, or authorities; for service related to natural gas, electrical, telephone, and other communications, steam or water, and sewer including associated appurtenances directly related to the directional, transmission, or distribution system and uses; however, excluding a storage ortreatment facility, excluding an above-ground structure in excess of 100 cubic feet, excluding all above-ground buildings, and excluding off-street parking lots containing more than two (2) parking spaces

**EXTRACTIVE INDUSTRY** – the excavation or recovery of metallic, nonmetallic, or mineral fuels, including but not limited to coal, limestone, clay, sand, gravel or other mineral resources, through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods for sale or otherwise used for commercial purposes. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

**FAIRGROUND** – an area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

**FAMILY** – either an individual, or two or more persons related by blood or marriage or adoption or a group of not more than four persons not so related occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**FAMILY BUSINESS** -- a limited commercial use, accessory to a farm which is operated for the convenience of the family residing on the same premises, where the land area of the premises is not less than ten ~~forty~~ acres, and where such family business utilizes only such structures as might be normal to agricultural operations.

**FAMILY DAY CARE** – the accessory use of a single-family dwelling for the care of up to seven children. *[Ord. 2-1994]*

**FARM** – any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticulture, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment

**FARM EQUIPMENT AND SUPPLIES SALES** – establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming.

**FARMERS’ MARKET** – a place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property.

**FLEA MARKET**– a place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. Flea market does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as garage sales or yard sales, providing that such sales do not occur more frequently than once every sixty days, nor does flea market include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

**FLORIST SHOP** – an establishment for the retail sales of flowers, plants and accessories that may include the storage of merchandise inside of the building and the outside display of plants and flowers.

**FORTUNE TELLER, PSYCHIC, ASTROLOGER** – a business offering personal services to individuals based on the art of astrology, palmistry, phrenology, fortune telling,

**FREIGHT TERMINAL** – the premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

**FROZEN FOOD LOCKER** – a building or structure used for storing frozen foods for long periods of time usually at, or below, thirty-two degrees Fahrenheit (zero degrees Celsius).

**FRUIT AND VEGETABLE STAND** – a temporary structure which is used solely for the display or sale of products such as fruit, vegetables, produce, dairy products, and the like, produced on the premises upon which the stand is located. This is also known as a Roadside Produce Stand.

**FRONT YARD** – ~~DEPTH~~**SETBACK** – the prescribed minimum open space extending across the entire width of the lot between the front line of building ~~and street right of way.~~to a pointfrom the center of a state or township highway or road. This is to be

determined by the stated width of the highway or road. Corner lot shall be considered as having two front yards, one facing each roadway, when determining setback distances.

**FUNERAL HOME (INCLUDING MORTUARIES)** – a building or part thereof used exclusively for human burial services. Such building may contain space and facilities for; (1) embalming and the performance of other services used in the preparation of the dead for burial, (2) the performances or autopsies and other surgical procedures, (3) the storage of caskets, funeral urns, and other related funeral supplies, and (4) the storage of funeral vehicles, but shall not include facilities for cremation

**GARAGE, PUBLIC** - a building, structure, or any portion thereof where motor vehicles are repaired, rebuilt, reconstructed, painted or stored, for compensation. This may include rooms for storing, exhibiting or showing cars for sale.

**GARDEN CENTER** – land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

**GASOLINE SERVICE STATION** – an establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the “floor area” is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

**GEOLOGIC HAZARD -** **means** a **geologic condition** that is a potential **danger** to life and property which includes but is not limited to earthquake, landslide, flooding, erosion, expansive soil, fault displacement, volcanic eruption and subsidence.

**GREENHOUSE** - a structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction

**COMMERCIAL GREENHOUSE** – an agricultural enterprise using a controlled environment (temperature and humidity) for the commercial cultivation and production of plants.

**GROUP CARE FACILITY** – a facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) **but** fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare.

**GROUP CHILD DAY CARE FACILITY** – a facility, located in a single-family residence, that provides supervised care protection and supervision for remuneration to more than six (6), but less than twelve (12) children who are unrelated to the operator and meeting all applicable licensing / registration requirements of the Pennsylvania Department of Public Welfare. The term includes, but is not limited to Family Child Day Care Home as defined by Title 55 of the Pennsylvania Code.

**GROUP HOME** – a dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed, where required, by the appropriate governmental agency and shall be subject to the same limitations and regulations as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100430.

**GROUP DWELLING** – a dwelling facility owned by a public or non-profit agency operated for not more than eight persons, including staff, living together as a single housekeeping unit.

**HALFWAY HOUSE** – a dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and / or individuals who have violated the law and who are sent to a half-way house upon release from, or in lieu of being sent to a penal institution or juvenile detention center.

**HAZARDOUS WASTE** – any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant or air pollution control facility, and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional mining or agriculture operations, or from community activities or any combination of the above which, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored or transported, disposed of or otherwise managed.

The term “hazardous waste” shall not include coal refuse as defined in the Act of September 24, 1998 (P. L. 1040, No 318), known as the “Coal Refuse Disposal Act,” and shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Clean Streams Law, (P.L. 1987, No. 394); and shall not include solid or dissolved material in domestic’ sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) and shall not include source, special nuclear, or byproduct material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923).

**HARDWARE / HOME IMPROVEMENT STORE** – an establishment for the retail and / or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

**HEALTH CLUB** – any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

**HEARING** – an administrative proceeding conducted by a board pursuant to §909.1 of the Municipalities Planning Code~~. [A.O.]~~

**HELIPORT** – an area of land, water, or structure which is used or intended to be used for the landing or takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights of way, together with all heliport buildings and facilities thereon. Heliports must meet all requirements as set forth by the Federal Aviation Administration. Heliports can include paved areas or parking lots if so designated by the Township.

**HOSPITAL –** an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

**HOTEL / MOTEL** – a building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

**HOUSING FOR THE ELDERLY** – multi-family, multi-story dwelling designed for, and occupied by persons sixty-five (65) years of age or older and conforming to all requirements of state and federal laws and regulations pertaining to housing for the elderly.

**INCINERATOR** – an enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

**INDEPENDENT LIVING FACILITY** – 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 services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents

**INSTITUTIONAL HOME** – a public or private charitable establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged or infirmedpersons; or members of a religious community. This definition shall not include almshouses, penal or reformatory facilities and nursing homes.

**INTERMEDIATE CARE FACILITY** – a facility that provides nursing care and related medical or other personal health services to human patients on planned program of care and administrative management, supervised on a continuous 24 hour basis in an institutional setting.

**KENNEL** – a use of land and structures in combination wherein four or more domestic animals or pets six months or older are groomed, bred, trained and / or boarded for compensation. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

**LABORATORY** – a place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature

**LANDING STRIP** – a private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

**LAND DEVELOPMENT** – any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
2. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
3. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
4. A subdivision of land.
5. Development in accordance with §503(1.1) of the Municipalities Planning Code~~.[A.O.]~~

**LAUNDROMAT** – a commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

**LIBRARY** – any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

**LIGHT MANUFACTURING** – the processing and fabrication of certain materials, and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools, including operations of machine shops: dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

**LIVESTOCK** - domesticated agricultural animals produced or maintained on farm or non-farm operations. Examples of livestock include, but are not limited to, cattle, horses, mules, sheep, swine and goats. Livestock does not include poultry.

**LIVESTOCK INTENSIVE OPERATION** (LIO) – any agricultural operation in Pennsylvania in which the average animal density exceeds two animal equivalent units per acre of cropland, or per acre suitable for application of animal manure on an annualized basis.

**LOADING SPACE** – an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicles while loading or unloading merchandise or materials.

**LOT** – a parcel of land occupied or capable of being occupied by one or more structures.

**LOT OF RECORD** – any lot which individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Armstrong County. ~~[A.O.]~~

**LOT, DEPTH OF** – a mean horizontal distance between the front and rear lot lines.

**LOT, MINIMUM AREA OF** – the horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

**LOT WIDTH OF** – the mean width measured at right angles to its depth.

**LOW IMPACT HOME BASED BUSINESS** – a business or commercial activity located within or attached to a residence, in which the business owner resides, and which is administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves **limited** customer, client or patient traffic of **15** or fewer per day, whether vehicular or pedestrian, and with off-street parking for clients not to exceed **4** spaces and may have pick-up, delivery or removal functions to or from the premises which may be in excess of those usually associated with residential use. Such business shall not occupy more than **20%** or more than **400 square feet** of said residence whichever is less.

**LUMBERYARD** – the principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

**MANUFACTURING** – the processing and fabrication of any article, substance or commodity.

**MASSAGE THERAPY BUSINESS** – an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body isoffered by an individual as an incidental or accessory service and does not occupy more than twenty-five percent of the area of the establishment.

**METHADONE TREATMENT FACILITY** – a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

**MINERAL EXTRACTION** – all or part of the process involved in the extraction and processing of minerals such as coal, ores, rock, sand and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

**MEDIATION** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.~~[A.O.]~~

**MEDICAL CENTER** – a facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center**.**

**MINI STORAGE FACILITY** – A multiunit facility for storage of items by individuals on a rental or lease basis from the owner of such facility.

**MINOR REPAIR** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MOBLE/MODULAR HOME** – a prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or 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 erections thereon of a single mobile home. [A.O.]

**MOBILE HOME PARK** -- a planned residential development which is to be occupied by two or more mobile homes.

**MOVIE THEATER** – a facility that provides fixed seating for customers to view motion pictures, including accessory snack and / or food and beverage services.

**NIGHTCLUB** – a place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub

**NO-IMPACT HOME-BASED BUSINESS**–a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity. ~~[A.O.]~~

**NONCONFORMING LOT** – a lot of record whose width, area or other dimension does not conform to the regulations of this Chapter and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

**NONCONFORMING STRUCTURE** – a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to nonconforming signs. ~~[A.O.]~~

**NURSERY** – any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

**NURSING HOME** – a facility licensed as a nursing home by the Commonwealth of Pennsylvania.

**~~ONE FAMILY HOUSE~~** ~~– a detached building having accommodations for and occupied by not more than one family.~~

**OCCUPANCY PERMIT** – see Zoning Occupancy Permit under definitions.

**PARCEL DELIVERY FACILITY** – any premises or part thereof used for courier and freight forwarding operations that involve collecting, temporary storage of, sorting and dispatching packages

**PARKING FACILITY** – a structure designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas.

**COMMERCIAL PARKING FACILITY** – a parking facility, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

**PENNSYLVANIA UNIFORM CONSTRUCTION CODE (UCC)** – The Pennsylvania Construction Code Act; Act 45 of 1999, as amended by Act 158 of 2004, 35 P.S. §§ 7210.101-7210.1103, and its regulations, as amended, restated, supplemented or replaced from time to time.

**PERSONAL CARE FACILITY** – a facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel.

**PERSONAL SERVICE ESTABLISHMENT** – an establishment occupied by a business which performs services on-site related to the care of the personal self, household pets or the repair / maintenance of small home appliances, clothing, jewelry or other smaller items. Activities include but are not limited to: barber shops; beauty parlors; self-service laundry

**PERSONAL CARE HOME** – a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

**PERSONAL SERVICES ~~ESTABLISHMENT~~**-~~a commercial establishment providing such personal services as~~ hair dressing and cutting, clothes cleaning, laundering, shoe repair, tailor shops, ~~and the like~~nail care, tanning, non-medical wellness service, fitness centers and piercing and tattooing.

**PHARMACY** – a retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

**PHOTOGRAPHIC STUDIO** – a retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

**PLACE OF PUBLIC ASSEMBLY** – any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

**PLACE OF WORSHIP / RELIGIOUS INSTITUTION** – a church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

**PLANNED RESIDENTIAL DEVELOPMENT** – an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this zoning ordinance.

**PLANNED DEVELOPMENT** – a planned group unit or planned residential development as defined and regulated herein.

**PLANNED GROUP UNIT** – a zoning lot on which the development of more than one principal structure is built in accordance with a unified site development plan which may provide for industrial recreation and open space, and/or commercial uses and which is reviewed and approved in accordance with the provisions of this Chapter.

**PLANNED RESIDENTIAL DEVELOPMENT** – At least 10 acres of land, controlled by one landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of buildings, density, lot coverage and required open space to the regulations established in any one residential district of this Chapter.

**PLANNING COMMISSION** – the Planning Commission of Kiskiminetas Township.

**PROFESSIONAL OFFICE** – an office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

**PUBLIC GROUNDS** – includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites. ~~[A.O.]~~

**PUBLIC HEARING** –\_a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. ~~[A.O.]~~

**PUBLIC MEETING** – a forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to open meetings).

**PUBLIC NOTICE** – notice published once each week for two successive weeks in a newspaper of general circulation in the Township. 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 30 days and the second publication shall not be less than seven days from the date of the hearing. [A.O.]

**RACE TRACK** – a commercial establishment for the racing of animals or motor vehicles

**RECREATION CLUB** – a noncommercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

**RECREATIONAL VEHICLE PARK** - a plot of ground designed and laid out for occupancy by recreational vehicles, including tents on a temporary basis, to be used as living quarters.

**RECYCLING COLLECTION FACILITY** – a center for the acceptance of recyclable material from the public by donation, redemption, or purchase.

**RECYCLING FACILITY** – a facility employing a technological process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to orreused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

**REAR YARD ~~DEPTH~~SETBACK**- the prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

**REPORT** – any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request and copies thereof shall be provided at cost of reproduction. ~~[A.O.]~~

**RESEARCH LABORATORY** – a facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

**RESTAURANT** – that part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

**CARRY-OUT** – an establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

**DRIVE THRU** – a fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

**FAST FOOD** – an establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

**SIT DOWN, LOW TURNOVER** – a restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

**SALVAGE YARD** – a permitted area outside of a building on any lot approved for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

**SANITARY LANDFILL** –a facility designed and operated for the disposal of nonhazardous waste material and conducted in strict accordance with the rules and regulations of all pertinent State and Federal regulatory agencies.

**SCHOOL CONVERSION** – the adoptive reuse for housing for the elderly, offices, research facility, mini storage facility or similar low intensity use of a school or other public building or facility which is no longer suitable or necessary for its originally intended use.

**SCREENING** – screening relative to this Chapter shall mean a fence, evergreen hedge or wall at least 6 feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

**~~SEAT~~** ~~– a fixed seat in a theater, auditorium or meeting room or 24 lineal inches of an installed bench or pew, or in the absence of these 6 square feet of floor space in the seating area.~~

**SELF-STORAGE FACILITY** – an establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall be permitted. The storage space cannot be used as a wholesale or retail business.

**SEXUALLY ORIENTED BUSINESS** – an adult arcade, adult bookstore / video store, adult cabaret, adult live theater, adult motel, adult motion picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

**SHOPPING CENTER/PLAZA** – groups of retail and service businesses in the same or adjacent buildings with shared customer, employee, and service parking on the same property.

**SIDE YARD ~~WIDTH~~SETBACK**- the prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side yard.

**SINGLE FAMILY DWELLING –** A single detached dwelling having accommodations for and occupied by not more than one family. Dwelling is to be completely separated by an open space on all sides from any other structure except its own garage or shed.

**SKILLED NURSING FACILITY** – a facility which provides nursing care and related medical or other personal health services on a continuous twenty-four hour basis for individuals not in need of hospitalization but who, because of age, illness or other infirmity, require highintensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

**SLAUGHTERHOUSE** - a place where livestock is slaughtered and may be cut, packaged, and / or processed.

**SOLID WASTE DISPOSAL AREA** – an area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

**STREET** – includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.~~[A.O.]~~

**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, and other building features but not including sidewalks, drives, fences and patios.

**SUPPLY YARD** – a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobile and similar vehicles.

**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 inches of water.

**COMMERCIAL SWIMMING POOL** – a swimming pool operated for profit and open to the public upon payment of a fee.

**PRIVATE SWIMMING POOL** – a swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

**PUBLIC SWIMMING POOL** – a swimming pool operated by a unit of government for the general public.

**SEMI-PUBLIC SWIMMING POOL** – a swimming pool that is an accessory structure appurtenant to a multiple-family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

**TATTOO PARLOR** – an establishment whose principal business activity is the practice placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**TAVERN / DRINKING ESTABLISHMENT** – an establishment, including bars, engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty percent of its gross revenues from the sale of food and beverages for consumption on the premises.

**THEATER** – a building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

**TOWNHOUSE** – one of a group of dwelling units attached to each other by party or common walls where each dwelling unit has separate access to front and rear yards.

**TOWNSHIP** – the Township of Kiskiminetas, County of Armstrong, Commonwealth of Pennsylvania.

**TRANSFER FACILITY** – a facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal**.**

**TRAVEL PLAZA** – a facility that provides auto and/or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

**TRUCK TERMINAL** – a facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and re-shipped to other destinations.

**TWO FAMILY DWELLING**–A detached dwelling having accommodations for two families. Dwelling is to be completely separated by open space on all sides from any other structure except its own garage or shed.

**VEHICLE SALES, RENTAL, AND SERVICE** – a facility for the sales, rental and service of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

**VEHICLE SERVICES** – a commercial establishment which provides maintenance and repair services to automobiles, motorcycles and other vehicles of less than 5,000 pounds gross weight, but not including tire recapping or other operations which do not conform to the “Performance Standards” set forth in §27-405.

**VETERINARY OFFICE / ANIMAL HOSPITAL** – a facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

**WAREHOUSE** – a structure primarily used for the storage of goods and materials.

**WATER SURVEY** – an inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.~~[A.O.]~~

**WINERY** - a facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

**WHOLESALE ESTABLISHMENT** – an establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies**.**

**ZONINING HEARING BOARD** - is a quasi-judicial body whose responsibilities are specifically defined by the Pennsylvania Municipalities Planning Code

**ZONING OCCUPANCY PERMIT** – a document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of a structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with ordinances of the Township having jurisdiction over the location of such use or structure, that all conditions attached to the granting of the zoning permit have been met, and that structure and land may be occupied and used for the purposes set forth in the zoning permit. *[Ord. 2-1994]*

**ZONING OFFICER** -This is administrative and technical varied land use enforcement work. Duties involve code administration, secretarial work, data collection and file retention.

**ZONING PERMIT** – a document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Chapter, and authorizing the applicant to proceed to obtain all building permits. [*Ord. 2-1994]*

*(Ord. 2-1989,* 11/8/1989, §601; as amended by *Ord. 2-1994,* §§1, 11; and by A)

**PART 7**

**ZONING MAP AMENDMENTS**

**§27-701. Zoning Map Amendments.** (*Ord. 2-1989*, 11/8/1989; as added by A.O.)