

KILBUCK TOWNSHIP
ORDINANCE NO. __O-20-02__

AN ORDINANCE AMENDING THE KILBUCK TOWNSHIP CODE OF ORDINANCES, CHAPTER 215, ZONING, SECTION 215-40, AND AMENDING CHAPTER 182, SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, SECTION 182-35, TO PROVIDE FOR STREET IMPROVEMENT REQUIREMENTS APPLICABLE TO CERTAIN DEVELOPMENTS, SUBDIVISIONS, EXPANSIONS OR CHANGES IN USE

WHEREAS, the Township desires to more specifically define the extent of improvements that may be required for existing Township streets as a result of developments, subdivisions, expansions or changes in use; and

WHEREAS, the Kilbuck Township Planning Commission has reviewed this amendment and made a recommendation; and

WHEREAS, the Allegheny County Department of Economic Development has been duly informed of the proposed amendment.

I. The Board of Supervisors of Kilbuck Township ordains that the Kilbuck Township Zoning Ordinance, Chapter 215 of the Kilbuck Township Code of Ordinances, is revised:

A. To revise the second sentence of Section 215-40.B.(1) to read as follows:

(1) Any development, subdivision, expansion or change in use which proposes more than 25 lots or 25 dwelling units, or which will generate, on average, 1,000 or more vehicle trips per day, or 75 or more additional trips during the adjacent roadways' peak hours, shall be required to submit a traffic impact study as part of the application for approval.

B. To add a new Section 215-40.C., Required improvements to existing Township streets, to read as follows:

C. Required improvements to existing Township streets. This Subsection is intended to assure that where property is proposed to be the subject of a development, subdivision, expansion or change in use requiring submission of a traffic study under § 215-40.B.(1), (the "Subject Property"), streets within or bordering the Subject Property are coordinated and of such widths, grades, design and construction and in such locations, as deemed necessary to accommodate prospective traffic, facilitate fire protection and prevent danger and congestion in travel and transportation.

(1) If in the determination of the Board of Supervisors an existing Township street to which the Subject Property has or will have vehicular access must be improved, including but not limited to widening, reconstruction or repaving of the cartway, stormwater management, the installation of traffic control signals or devices, turning lanes, signs or pavement markings so as to meet Township street standards or to satisfy a recommendation in a traffic impact study submitted to the Township with respect to the Subject Property, or a recommendation from the Township Engineer or from the Township's traffic engineer, the applicant shall be required to complete the needed improvements or fund the applicant's fair share of the cost of such improvements. In determining the applicant's fair share of the costs of such improvements, Supervisors shall take into account, at minimum, traffic safety and cost, the volume and nature of the projected new traffic to be generated by the Subject Property as compared to existing traffic, and the impact of the said projected new traffic upon the existing bordering street(s).

(2) The Township street standards which must be met are those stated in the Subdivision and Land Development Ordinance at § 182-23 and § 182-33, in the Zoning Ordinance at § 215-40.B.(3), and such other standards

as may be determined by the Township Engineer or Township's traffic engineer or a traffic study to be necessary to address any unique conditions applicable to the streets in question and resulting from the volume or nature of the traffic to be generated at the Subject Property.

- (3) The street improvements described herein may be waived in whole or in part by the Board of Supervisors if the Supervisors determine, based on recommendation from the Township Engineer or Township traffic engineer:
 - (a) That there is no reasonable relationship between the additional traffic projected to be generated at the Subject Property and the improvements required, taking into consideration the nature and volume of additional traffic to be generated as compared to existing traffic, or
 - (b) That widening or other improvements are not needed or that a lesser or different improvement would suffice to meet the objectives of this Subsection 215-40.C.
- (4) The duty to provide or fund improvements of an existing street stated herein shall apply to the full width of any portion of the existing street on or abutting the Subject Property.
- (5) When improvements to an existing street hereunder are required, such improvements shall be completed and/or funded prior to the issuance of any Township permit for the development. Improvements may be considered to be funded if the applicant has delivered to the Township financial security in such amount and form as acceptable to the Township Engineer and Township Solicitor.

II. The Board of Supervisors of Kilbuck Township ordains that the Kilbuck Township Subdivision and Land Development Ordinance, Chapter § 182 of the Kilbuck Township Code of

Ordinances be amended to revise the first clause of § 182-35, Enumeration of Improvements, to read as follows:

182-35. Enumeration of Improvements.

Utility, street and other improvements shall be required in each new subdivision or land development as follows, provided that improvements shall be required to existing Township streets which may be incorporated into, or be adjacent to or border the subdivision or land development to the extent required the Zoning Ordinance, § 215-40.

III. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.

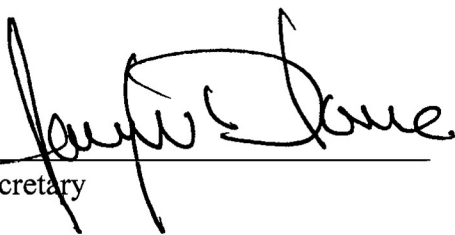
IV. Severability. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections.

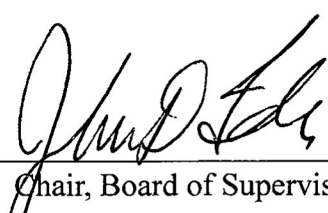
V. Effective Date. This Ordinance shall be effective immediately upon adoption and shall further be in effect prior to adoption as a pending ordinance as of the date of publication of notice to the public that the Board of Supervisors has resolved to consider such an Ordinance.

This Ordinance adopted at a duly assembled public meeting of the Kilbuck Township Board of Supervisors held this 28 day of April, 2020.

ATTEST:

TOWNSHIP OF KILBUCK


Secretary

By: 
Chair, Board of Supervisors

Recording Certification: This Ordinance recorded in the Township Ordinance book on
April 28, 2020 by the undersigned.

