

ORDINANCE 2016 – 6

AN ORDINANCE OF THE TOWN COUNCIL OF THE MUNICIPALITY
OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME
RULE MUNICIPALITY, AMENDING KINGSTON MUNICIPAL
ZONING ORDINANCE SECTIONS 181 – 8, 181-16, 181 – 22, 181 – 26
AND ADDING ARTICLE VIII SECTION 181 - 51

WHEREAS, the Municipality of Kingston has enacted a zoning ordinance to provide the Municipality with procedures that will assist in directing its growth and development in accordance with local needs and desires; and,

WHEREAS, pertinent local goals which the zoning code is intended to bring to fruition, relate to such factors as land use, population density, streets and traffic and other community facilities and utilities; and,

WHEREAS, the zoning code is intended to maintain a density of population that can feasibly be served by the streets and other public facilities; and,

WHEREAS, the Kingston zoning code is intended to preserve the character, appearance, integrity of the community to encourage the growth and development of the Municipality; and,

WHEREAS, the procedure for the amendment of the Kingston Municipal Zoning Ordinance is set forth at sections 181 – 68, 181 – 69 and 181 – 70; and,

WHEREAS, these proposed amendments to the zoning ordinance have been submitted to the Kingston Planning Commission at least thirty (30) days prior to the hearing conducted on said amendments; and,

WHEREAS, these proposed amendments to the zoning ordinance have been submitted to the Luzerne County Planning Commission at least thirty (30) days prior to the hearing conducted on said amendments; and,

WHEREAS, a duly advertised public hearing has been conducted by the Kingston Town Council prior to the introduction of this Ordinance.

NOW THEREFORE, BE IT ORDAINED as follows:

1. Municipal Zoning Code Section 181 – 8 is amended to revise the definition of Family to the following: An individual, or two or more persons related by blood or marriage, or a group of not more than three (3) persons, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. For the purpose of this chapter, a family will also include up to

four (4) individuals with intellectual disabilities in need of assistance with basic skills necessary for daily living and receiving twenty four (24) hour per day supervision in a community home owned by a non-profit organization which has its purpose to enhance the quality of life and personal growth of client individuals, which clients may or may not be related by blood or marriage. living together as a single housekeeping unit in a dwelling unit.

2. Municipal Zoning Code Section 181 – 26 D (2) is amended to delete rooming and boarding as a permitted home occupation.

3. Municipal Zoning Code Section 181 – 26 D (7) is amended to read as follows: Tutoring for not more than three (3) students simultaneously. Such tutoring is to be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes.

4. Municipal Zoning Code Section 181 – 16 (H) is amended to add subsection 4 to provide as follows: (4) Ramps constructed for the purpose of providing dwelling unit access for the mobility impaired are exempt from the setback requirements of this code. Such ramps are to be uncovered.

5. Municipal Zoning Code Section 181 is amended to add Article VIII as set forth in Attachment 1 to this amendatory ordinance.

6. To the extent that the regulations set forth in this amendatory Ordinance are inconsistent with other sections or subsections of the Kingston Municipal Zoning Ordinance, this Ordinance shall be controlling and take precedence.

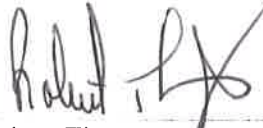
7. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but the same shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.

8. This Ordinance shall become effective in conformity with Kingston Charter Section 213.

INTRODUCED at a meeting of the Town Council of the Municipality of Kingston held the 6th day of September, 2016.

ADOPTED at a regular meeting of the Town Council of the Municipality of Kingston,
Luzerne County, Pennsylvania held the 3rd day of October, 2016.

FOR THE TOWN COUNCIL OF THE
MUNICIPALITY OF KINGSTON

By: 
Robert Thompson, President

ATTEST:


Julie Norton, Secretary

Date: 10/3/16

APPROVED:


James J. Haggerty, Mayor

Date: 10/3/16

Attachment 1

ARTICLE VIII

Continuation of Existing Conforming Uses and Structures

181-51 Prohibition against modification of existing lawful use to less restrictive lawful use in a zone

- A. General rule - A use, building or structure lawfully existing as of December 31, 2016 in a zone shall not be changed or modified to a less restrictive use in the zone subsequent to said date.
1. No single family dwelling situated in an R-1 zone may be modified to become a two family dwelling.
 2. No single family dwelling situated in an R-1 zone may be modified to become a multi-family dwelling.
 3. No two family dwelling building situated in an R-1 zone may be modified to become a multi-family dwelling.
 4. No multi-family dwelling building situated in an R-1 zone may be modified to increase the number of dwellings therein.
 5. No single family dwelling building situated in an R-2 zone may be modified to become a two family dwelling.
 6. No single family dwelling building situated in an R-2 zone may be modified to become a multi-family dwelling.
 7. No two family dwelling building situated in an R-2 zone may be modified to become a multi-family dwelling.
 8. No multi-family dwelling building situated in an R-2 zone may be modified to increase the number of dwellings therein.
 9. No single family dwelling building situated in an R-3 zone may be modified to become a two-family dwelling.
 10. No single family dwelling situated in an R-3 zone may be modified to become a multi-family dwelling.
 11. No two family dwelling building situated in an R-3 zone may be modified to become a multi-family dwelling.
 12. No multi-family dwelling building situated in an R-3 zone may be modified to increase the number of dwellings therein.
 13. No single family dwelling building situated in a C zone may be modified to become a two-family dwelling.
 14. No single family dwelling situated in a C zone may be modified to become a multi-family dwelling.
 15. No two family dwelling building situated in a C zone may be modified to become a multi-family dwelling.
 16. No multi-family dwelling building situated in a C zone may be modified to increase the number of dwellings therein.

17. No single family dwelling building situated in an M zone may be modified to become a two-family dwelling.
 18. No single family dwelling situated in an M zone may be modified to become a multi-family dwelling.
 19. No two family dwelling building situated in an M zone may be modified to become a multi-family dwelling.
 20. No multi-family dwelling building situated in an M zone may be modified to increase the number of dwellings therein.
- B. This prohibition shall not restrict new construction of conforming structures in existing zones as allowed by the Kingston Municipal Code.