

ZONING ORDINANCE OF THE TOWNSHIP OF KENNEDY
ORDINANCE No. 171

An Ordinance to regulate and restrict the height, number of stories, bulk and size of buildings and other structures; the portion of lot that may be occupied; the size, depth and width of yards and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to divide the Township into districts and to provide boundaries thereof for the purpose of carrying out these regulations; to provide for the amendment of these regulations and the revision of the district boundaries; to create a Zoning Hearing Board and prescribe the powers and duties thereof; to provide for the enforcement of the aforesaid regulations and penalties for violation; and repealing Ordinance No. 111, passed by the Township of Kennedy Commissioners on November 10, 1969, and all amendments thereto.

WHEREAS, the Township Commissioners of the Township of Kennedy deem it necessary, in order to protect and encourage the most appropriate use of land; to secure safety from fire and other dangers; to insure the provision of adequate light, air and amenity; to prevent undue concentration of population and crowding of land; to conserve the value of property; to facilitate the provision of public and private development in harmony with these purposes; and to promote the health, safety, general welfare, morality and convenience of the community.

NOW, THEREFORE, be it Ordained and Enacted by the Commissioners of the Township of Kennedy, Pennsylvania, and it is hereby Ordained and Enacted by the authority of the same, that:

ARTICLE I

SECTION 101: SHORT TITLE:

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Township of Kennedy.” The Map, showing the division of the Township into the designated zoning districts, shall be known as the “Zoning District Map”, which shall be the official Map of the Township of Kennedy. The said Map shall be an integral part of this Ordinance.

SECTION 102: VALIDITY:

Should the courts declare any portion of this ordinance to be invalid, such declaration shall not affect the validity of the ordinance as a whole or of any part thereof, other than the specific portion declared to be invalid.

SECTION 103: PREDOMINATION OVER OTHER LAWS:

The provisions of this ordinance shall control wherever they impose greater restrictions (on the use of land, or on the use of height of structures, or on the size of yards or other open spaces, or on the density of population) than those imposed by other laws, ordinances, rules, regulations or permits, or by easements, agreements or covenants.

SECTION 104: INTERPRETATION AND INTENT:

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township of Kennedy. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township of Kennedy, except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a structure, or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this ordinance shall control.

It is fundamental to the purpose of the Ordinance to recognize that many existing lots throughout the Township are less adequate than others because of their location or size or odd shape or difficult topography, or any combination of these limitations. A claim

of hardship under this Ordinance, therefore, shall not be allowed on behalf of any lot because the physical characteristics of the lot prevent it from being built upon exactly as in the another lot abutting or close to it or in the same zoning district. The regulations herein permit most such lots to be satisfactorily built upon exactly as in another lot abutting or close to it or in the same zoning district. The regulations herein permit most such lots to be satisfactorily built upon. There can be some alleviation for other lots through variances (minor concessions) granted by the Board of Adjustment when special physical conditions make literal enforcement of the regulations either unsatisfactory in the interest of the people at large or actually impossible. It is not the Ordinance but the physical conditions that prevent a lot from accommodating a type or area or bulk of structure unsuited to it. For typical example, it is not intended that each lot in a Multiple-Family Residence District automatically become the prospective site for a multiple-family dwelling and use. If a lot in such a district, after provisions of the yards and other open spaces prescribed for its own and adjacent property protection, has a buildable area too small in extent or dimensions for a multiple-family dwelling, then the lot may be used under its district regulations for another type of dwelling or structure permitted in that district.

SECTION 105: PREAMBLES NOT PART OF THE ORDINANCE:

The preambles preceding the initial sections of Articles II, IV, V, VI and VII, inclusive, are to be considered explanatory and directive only, to be used in interpreting the intent of those Articles, but not to be considered a part of this Ordinance in establishing applicable regulations or provisions.

SECTION 106: CONFLICT WITH OTHER ORDINANCES:

Ordinance No. 111, approved November 10, 1969, and all supplements and amendments thereto shall be and the same are hereby repealed. Any other Ordinance or part of any Ordinance, in conflict with the provisions of this Ordinance, is hereby repealed, insofar as it affects this Ordinance.

SECTION 107: EFFECTIVE DATE:

The effective date of this Ordinance shall be ten (10) days after passage and upon being signed by the Township Commissioners and being attested by the Secretary of the Township.

SECTION 108: ORDINANCE ON FILE FOR PUBLIC RECORDS:

This Ordinance, including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested person in the office of the Township Officials.

ARTICLE II RULES AND DEFINITIONS

SECTION 201: RULES

The following rules of construction shall apply to this Ordinance:

- a. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in this Article, except where there is indicated in contrast a clearly different meaning.
- b. The particular shall control the general.
- c. In case of any difference in meaning or implication between the text of this Ordinance, any caption or illustration, the text shall control.
- d. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- e. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- f. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, and/or “occupied for”.
- g. In any and all zoning districts depicted by the map attached hereto or described by any language contained herein where streets, alleys or roads serve as the boundaries, the actual street, alley or road location shall serve as the zoning district boundary. Wherever the actual street, alley or road shall be inconsistent with any proposed or previously plotted street, alley or road, the actual location of such street, alley or road shall be utilized for the purpose of establishing the zoning district boundary. **(Amended, Ordinance No. 185-A)**

SECTION 202: DEFINITIONS:

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use, but not a dwelling unit or structure.

Accredited Standard Lot: A lot in an “R” District which fronts a One-Family dwelling, and by documentary evidence is shown to be, prior to and continuously since, the effective date of this Ordinance, in separate and distinct ownership from all abutting land.

Accessory Structure: A detached subordinate structure, the use of which is clearly incidental to the main structure or use of the land. An accessory structure includes, but is not limited to, the following:

- a. Children's playhouse, garden house, or private green house
- b. Civil defense shelter serving not more than two families
- c. Garage, shed or building for domestic storage
- d. Servants' quarters or servants' house
- e. Screened wall or fence
- f. Home office of a minister or minister of religion, situated in a dwelling unit which is the home of the practitioner, provided that not more than one assistant is employed, no colleague or associate uses such office, and no sign issued, other than a name plate.

Providing a secondary public means of access to abutting properties.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

Apartment: A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

Apartment House: A building used by three or more families living independently of each other and containing dwelling units.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, steps, garages and other accessory buildings.

Automobile Repair, Major: Engine building or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, overall painting of vehicles.

Automobile Wrecking: The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basic Grade: The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the

proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the traveled roadway shall apply.

Billboard: Structure, building wall, or other outdoor surface used to display lettered, pictorial, sculptured, or other matter which directs attention to any product, commodity or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

Buffer Area: A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

Building: A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building.

Building Line: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, or terraces.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eave and ridge for gable, hip, and gambrel roofs.

Clinic: An establishment which provides to ambulatory patients diagnostic health, medical, surgical and/or psychiatric services and/or treatment on an out-patient basis. **(Amended, Ordinance No. 226, Section 1, c.)**

Community Club: An organization comprised mainly of residents of the neighborhood in which it is located, the primary purpose of which is the advancement of its members or of the community in educational, cultural, or civic pursuits and activities.

Community Service, Institution or Facility: A use of a structure or portion thereof, operated by neighborhood groups such as a chartered social, fraternal, business or professional organization, in which building lectures and amateur plays may be given, citizens-organizations may meet, and social and recreational activities may be conducted; where the premises and the major portion of the services are not restricted to members and their personal guests; and in connection therewith, there is neither the sale nor dispensation of intoxicating beverages on the premises.

Court: An open, unoccupied, and unobstructed space, other than a yard, on a zoning lot, bounded by two or more sides of a building; including similar area fully open to the sky but not necessarily beginning at the ground level.

District, Zoning: A section of the Municipality for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

Drive-in Restaurant: An establishment where refreshments, meals or prepared foods may be obtained by the public; where customers thereof customarily arrive at the premises via motor vehicle; and where less than ninety percent of the persons serve consume the food or drink served to them within the main building on the premises. This definition shall include, *inter-alia*, such enterprises as drive-ins ice-cream or custard stands, hot or cold drinks or sandwich establishments, and the like. It shall not include enterprises selling canned or bottled beverages, dairy stores, or grocery stores, where such beverages or food products are sold in their original closed containers. Where more than twenty-five percent of the gross business of any establishment is covered under this definition, such establishment shall be considered a drive-in restaurant for purposes of this Ordinance.

Dwelling: A building designed or used exclusively as the living quarters of one or more families.

Dwelling, Single-Family: A separate, detached building designed for or occupied, exclusively as a residence by one family.

Dwelling, Two-Family: A separate, detached building designed for or occupied, exclusively as a residence by two families.

Dwelling, Multiple-Family: A dwelling, designed or occupied otherwise than as a one-family dwelling or a two-family dwelling. The term “multiple-dwelling” shall be understood to include apartment houses, row houses, and all other family dwellings of similar character, where apartments or suites are occupied and used as a separate complete housekeeping unit, but not to include hotels or motels.

Dwelling, Row: A multiple-family dwelling divided by party walls into distinct and non-communicating units, each dwelling unit of which has direct access to the outdoors through separate exterior entrance doors.

Educational Institution: A school including a public school, parochial school, private school, college, university and a private nursery school or pre-school, having regular sessions, with regularly employed instructors, which teaches those subjects that are fundamental and essential in elementary, secondary, or higher education under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, or a corporation meeting the requirements of the Commonwealth.

Family: One or more persons related by blood, marriage, or adoption, or three unrelated persons living as a household in a dwelling unit. May also include domestic servants and gratuitous guests.

Floor Area: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the “floor area” of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-

half feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

Garage: A building or portion thereof, used for the storage and/or service of motor vehicles.

Group Residence Facility: An establishment that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, their licenses, or certified agents or any other responsible non-profit social service corporation. These services shall be provided in a family environment and only to persons who are children under eighteen years of age; physically or mentally handicapped of any age; or elderly, sixty-two or more years of age who are in need of supervision and specialized services. This category shall not include facilities for persons nineteen or more years of age who have been released from or who are under the jurisdiction of the Government Bureau of Corrections or similar institution, or for persons less than age nineteen who are under the jurisdiction or who have been released from the jurisdiction of governmental institutions whose function involves the maintenance and supervision of juvenile offenders of the law. This category also does not include, and positively excludes, facilities which function as “half-way” homes or rehabilitative operations for alcohol and/or drug abusers or for convicted felons who have been released by penal institutions or are on probation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall always be in actual residence on a twenty-four hour a day basis while any resident-clients are on the premises. The number of residents shall be limited in accordance with the provisions of the zoning district wherein the property is located. The number of residents shall not exceed eight persons, including supervisory adults and the children of supervisory adults, occupying a dwelling unit in a “R-4”, Planned Unit Development District. The residents in a group residence facility in a C-1, Convenience Commercial must number at least eight persons and may not exceed sixteen persons including supervisory adults and the children of supervisory adults. **(Amended, Ordinance No. 226, Section 1,d).**

Home Occupation: An accessory use of a service character customarily conducted within a dwelling by the residents, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate, and in connection therewith there is not involved the keeping of or exhibition of stock in trade.

The office of a physician, surgeon, dentist, attorney or other professional person each with not more than one paid assistant shall be deemed to be a Home Occupation. The occupations of dressmaker, watchmaker, milliner, hairdressing, seamstress, or other persons who offer skilled services to clients, and are not professionally engaged in the purchase or sale of economic goods, and who have not more than one paid assistant shall be deemed to be Home Occupations.

Dancing instruction, bank instrument instruction in groups, barber shops, beauty shops, tea rooms, tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores trades, or business of any kind not herein above listed shall not be deemed to be Home Occupations.

Hospital: ~~The term "hospital" shall include sanitarium, sanitarium, preventorium, clinic, rest home, nursing home, convalescent home, and any place for the diagnosis, treatment or other care of human ailments, and shall be deemed to be limited to such places.~~

An establishment which provides diagnostic health services and extensive medical, surgical and/or psychiatric services and/or treatment either through in-patient care or an emergency out-patient basis. **(Amended, Ordinance 226, Section 1, a.). Note: Strikethrough also part of Ordinance 226).**

Hotel: A building in which primarily temporary lodging is provided and offered to the public for compensation with and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours, in contradistinction to a boarding house, lodging house, or rooming house and wherein incidental business may be conducted.

Hotel, Motor: A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through an inside lobby or office supervised by a person in charge at all times or directly from the exterior and wherein incidental business may be conducted.

~~***Institutional Facility:*** A public or private benevolent establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, aged, or infirm person; or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals, or institutions for the custody, care or treatment of persons suffering from amentia, mental derangement, or drug or alcohol addiction. **(Amended Ordinance 226, Section 1, b.)**~~

Job Training and Vocational Rehabilitation Services: An establishment providing rehabilitation training, rehabilitation services or job counseling and/or related services. **(Amended, Ordinance 226, Section 1, e.)**

Junk: Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rage, used cloth, used rubber, used

rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used tires, used boxes or crates, used pipe or pipe fittings, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

Junk Yard: Junk yards shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking, and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Lodging House: A building containing lodging rooms which accommodate persons who are not family members. Lodging or meals or both are provided on a weekly or monthly basis. A lodging house shall not include dormitories, fraternity house, sorority houses or any residence that provides those services of a personal care and group residence facility. **(Amended, Ordinance No. 226, Section 1, f.).**

Lodging Room: A room rented as a sleeping and living quarters without an individual bathroom. Where a lodging room contains more than one (1) bed, each bed shall be counted as a separate lodging room for purposes of lot area and parking measurement in this Zoning Ordinance. **(Amended, Ordinance No. 226, Section 1, g.).**

Loading Space: A space within the main building or on the same lot therewith providing for the standing , loading or unloading of vehicles.

Lot: A parcel of land occupied or capable of being occupied by one or more structures.

Lot, Depth of: The mean horizontal distance between the front line and the rear lot line, measured midway between the side lot lines.

Lot, Width: The dimension of a lot, measured between the side lot lines of the building line.

Major Excavating, Grading or Filling: Any operation (other than in connection with a foundation for structure), involving:

- a. Strip or other mining of coal or other minerals, excavating of sand or rock and the crushing of rock, sanitary and other fills, drilling for gas or oil, recovery of metal or natural resources and similar operations; or
- b. Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities, or physically affect private property within one thousand (1000) feet of the operation; or
- c. A volume of earth movement exceeding sixteen thousand (16,000) cubic yards; or
- d. A change in ground elevation exceeding twenty (20) feet.

Membership Club: A chartered, non-profit organization, the primary purpose of which is the advancement of its members of the community in educational, fraternal, cultural or civic pursuits and activities.

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

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home Park: A parcel of land having at least ten (10) contiguous acres in size under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

Motel: A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through an inside lobby or office supervised by a person in charge at all times or directly from the exterior and wherein incidental business may be conducted.

Non-conforming Use or Structure: A building or use of land lawfully existing on the effective date of this ordinance that does not completely conform to the use regulations for the district in which it is located.

Nursing Home: An establishment engaged in providing in-patient nursing and health-related personal care, utilizing in whole or part licensed and/or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses. **(Amended, Ordinance No. 226, Section 1, h.).**

Parking: Any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conduction with a one-family or two-family dwelling.

Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley, but inclusive of a garage and driveway appurtenant to the garage.

Personal Care Home: A facility licensed as a personal care home by the Commonwealth of Pennsylvania and that provides room and board to persons who are residents by virtue of receiving supervised specialized service limited to health, social and/or rehabilitative services provided by governmental agencies, their licensed or certified agents or any responsible non-profit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall always be in actual residence on a twenty-four hour a day basis. The

number of residents shall not exceed eight persons, including supervisory adults, occupying a dwelling unit in a “R-4” Planned Unit Development District. The residents in a Personal Care Home in a “C-1” Convenience Commercial District must number at least eight persons and may not exceed sixteen persons, including supervisory adults and the children of supervisory adults. **(Amended, Ordinance No. 226, Section 1, i.)**

Planning Agency: The Planning Commission of the Township of Kennedy.

Rooming House: A building or portion thereof, other than an apartment hotel or a hotel, containing not more than one (1) dwelling unit, where lodging is provided without meals for three (3) or more persons in addition to the family unit.

Schools: A public, sectarian or private not-for-profit establishment approved by the state to provide formal academic education at the kindergarten, elementary, secondary, junior college or university level. **(Amended, Ordinance No. 226, Section 1, j.)**

Self-Service Laundry: A business that provides hometype washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

Service Station: A building(s), premises or portions thereof which are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft, as well as for minor automobile repair, including State inspection.

Social Service Agency: An establishment providing one or more social services for an individual or family limited to counseling, referral, temporary or disaster relief, welfare service or similar human support services. **(Amended, Ordinance No. 226, Section 1, k.)**

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street: A public or private way other than an alley which affords the principal means of access to abutting properties. If there is not established grade, the Township Engineer shall establish same.

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 or in water, including, in addition to buildings, billboards, carports, porches, mobile homes which have been detached from their source of motivation, and other building features, but not including sidewalks, drives, fences and patios.

Temporary Structure: Any structure which is easily movable and placed in a location for a short duration, not to exceed ninety (90) days.

Townhouse: A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Trade, Vocational, Business and Commercial Schools: An establishment providing non-academic training educational courses and/or programs. **(Amended, Ordinance 226, Section 1, I.).**

Yard: An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein.

- a. **Front:** A yard extending across a full width of the lot and extending back in depth the required minimum distance from the front lot line to a line parallel thereto on the lot.
- b. **Rear:** A yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear line to a line parallel thereto on the lot.
- c. **Side:** A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

ARTICLE III CLASSIFICATION OF DISTRICTS

SECTION 301: CLASSES OF DISTRICTS:

The Township of Kennedy is hereby divided into three (3) types of districts and ten (10) zoning district classifications, for the purpose of applying the provisions of this Ordinance. These districts are:

TYPE	FULL NAME	SHORT NAME	
R	"R-1"-One-Family Residence District	"R-1" District	400
	"R-2"-Two-Family Residence District	"R-2" District	410
	"R-3"-Multiple-Family Residence	"R-3" District	420
	"R-4"-Planned Unit Development (PUD)	"R-4" District	430
	"R-5"-Multiple Family Residential District and Mobile Home Park	"R-5" District	440
C	"C-1"-Convenience Commercial District	"C-1" District	500
	"C-2"-Planned Shopping Commercial District	"C-2" District	510
	"C-3"-Highway Commercial District	"C-3" District	520
M	"M-1"-Limited Industrial District	"M-1" District	600
	"M-2"-General Industrial District	"M-2" District	610

The term "R" District or "C" District or "M" District whenever used herein) are deemed to mean a type of district including every district classification having the same initial letter in the first part of the name regardless of the numeral that follows. For example, the term "C" District shall include the "C-1", "C-2" and "C-3" Districts.

Among the four (4) types of districts - "R", "C", "M" and "PUD" - each type is recognized herein as "most protected" within itself and is subject to lessening of such protection if uses of any of the other Three (3) types are introduced therein.

SECTION 302: ZONING DISTRICT MAP:

The boundaries of the districts listed above are designated on the Zoning District Map, which together with all the information recorded thereon, is hereby made a part of this Ordinance, **and any changes in the district designation are hereinafter more specifically set forth on Exhibit "A". (Bolded, Amended, Ordinance 339, Section 5).**

SECTION 303: BOUNDARIES OF DISTRICTS:

Where uncertainty exists with respect to the boundaries or the various districts, as shown on the Zoning District Map, the following rules shall apply:

- 303-1** Where the indicated boundaries on the Zoning District Map are approximately lot lines or property lines, said lines shall be construed to be the boundaries of such districts, unless otherwise indicated.
- 303-2** Where the indicated boundaries on the Zoning District Map are approximately public Right-of-Way, the center lines of said public Right-of-Way shall be construed to be the boundaries.
- 303-3** Where the indicated boundaries are dimensioned on the Zoning District Map, said dimensions shall determine the boundaries.
- 303-4** Where the indicated boundaries are not approximately lot or property lines or public Right-of-Way, and where said boundaries are not dimensioned, the boundaries shall be determined by scaling on the Zoning District Map.

ARTICLE IV
PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION 400

“R-1” ONE-FAMILY RESIDENCE DISTRICT

SECTION 400: “R-1” ONE-FAMILY RESIDENCE DISTRICT:

The R-1 One -Family Residence District is composed of certain quiet, low-density residential areas of the Township, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the District; to protect the amenities of certain areas of the Township where the pattern has already been established with single-family development on relatively large lots; to promote and encourage a suitable environment for family life where children are members of most families and to prohibit all activities of commercial nature except home offices of doctors or ministers and certain home occupations, controlled by specific limitations governing the size and extent of such non-residential activities. To these ends, development is limited to a relatively low concentration with relatively large lot size, and permitted uses are limited basically to single-family dwellings, providing homes for the residents, plus certain public facilities which serve the residents of the district.

SECTION 401: USE:

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

- 401.1.** One-Family dwelling
- 401.2.** General gardening, and growing of trees and nursery stock; not including roadside displays or commercial signs.
- 401.3.** Publicly-owned recreation area.
- 401.4.** Educational, philanthropic or religious institution. (~~Strikethrough, Amended, Ordinance No. 332~~).
- 401.5.** Government use or structure (See section 407.3).
- 401.6.** Community Club

SECTION 402:

Special exceptions permitted by the Board of Adjustment effective as follows:

- 402.1** Extensions of non-conforming use within a non-conforming structure or the change of such use within a non-conforming structure to a conforming use, or to another non-conforming use that is determined to be no more detrimental to the neighborhood (See section 1300 et seq.).
- 402.2.** Home occupation carried on within a dwelling unit by a resident thereof (See section 1300 et seq.)
- 402.3.** Limited enlargement of non-conforming structure (See section 1300 et. seq.)
- 402.4.** Temporary structure or use in connection with an authorized use (See section 1300 et. seq.)

SECTION 403: ACCESSORY USE:

Accessory use (see Definition), provided a minor garage or minor parking area is used exclusively for the parking of non-commercial automobiles.

SECTION 404: SIGNS:

Signs, as prescribed in Article X

SECTION 405: PARKING

Required automobile parking space, as prescribed in Article XI.

SECTION 406: HEIGHT

The maximum height of structures, except as otherwise provided, in this district shall be:

- 406.1** Thirty-five (35) feet (not exceeding 2 1/2 stories) for a one-family dwelling.
- 406.2** Forty-five (45) feet (not exceeding three (3) stories) for other main structures.
- 406.3** Fifteen (15) feet (not exceeding one (1) story), for accessory structures. (See General Height Provisions and Exceptions, Section 901).

SECTION 407: AREA

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

Lot Area: The minimum lot area for every building hereafter erected or altered shall be as follows:

407.1. One-family detached dwelling, convent, monastery, rectory or parish house - where no approved central sewage system exists, a minimum of fifteen thousand (15,000) square feet and a width at the building line of seventy-five (75) feet.

407.2. One-family detached dwelling, convent, monastery, rectory, or parish house - when an approved central sewage system exists, a minimum of ~~nine~~ eight thousand ~~(9,000)~~ (8,000) square feet and a width at the building line of sixty (60) feet and fifty-five (55) feet as measured along the street or highway upon which the lot fronts. (Strikethrough, Amended Ordinance No. 453)

407.3. Church and similar places of worship, philanthropic institutions, government structures, community club - one and one-half (1 1/2) acres and a width at the building line of not less than two hundred (200) feet.

407.4. Public or Private school:

Elementary School: Ten (10) acres plus one (1) acre for every one hundred (100) students at design capacity.

Junior High School: Thirty (30) acres plus one (1) acre for every one hundred (100) students at design capacity.

High School: Fifty (50) acres plus one (1) acre for every one hundred (100) students at design capacity.

SECTION 408: YARD AREAS:

In "R-1" areas, no building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- **Front Yard:** Not less than thirty (30) feet.
- **Side Yard:** On each side, not less than ~~eleven (11)~~ nine (9) feet. However, notwithstanding the above, a side yard for one side of any structure may be a minimum of ~~10 (ten)~~ nine (9) feet so long as the opposite side yard is ~~twelve~~

~~(12)~~ nine (9) feet, for a total of combined side yard of ~~twenty-two (22)~~ eighteen (18) feet. The combined total of the side yard for interior lots shall not be less than ~~twenty-two (22)~~ eighteen (18) feet, and the combined total yards for corner lots shall not be less than thirty (30) feet. For a church or similar place of worship, not less than thirty (30) feet on each side of the principal building. ~~(Strikethrough, Amended Ordinance No. 453)~~

- **Rear Yard:** Not less than ~~thirty-five (35)~~ twenty-five (25) feet. ~~(Strikethrough, Amended Ordinance No. 453)~~

Section 408.1: Any accessory structure erected or enlarged shall maintain the following yard areas:

- **Front Yard:** Not less than forty (40) feet with the exception of fences where the front yard area setbacks will be not less than two (2) feet. *Fences erected in yards which abut an intersection will be restricted by a clear sight triangle of at least seventy-five (75) feet from the center of the intersection so as not to obstruct the view of oncoming traffic. **(Amended, Ordinance No. 445).**
- **Side Yard:** Not less than two ~~eleven~~ (44 2) feet. **(Strikethrough, Amended Ordinance A-308).**
- **Rear Yard:** Except a garage for the storage of vehicles, not less than ~~ten~~ two (40-2) feet. The rear yard for the storage of vehicles shall be the same as for other structures included in the R-1 District. **(Strikethrough, Amended, Ordinance No. A-308).**

SECTION 409: PERCENTAGE OF LOT COVERAGE:

All buildings, including accessory uses, shall cover not more than ~~forty~~ fifty percent (50%) ~~(40%)~~ of the area of the lot. ~~(Strikethrough, Amended Ordinance No. 453)~~

Section 409.1.: Dwelling Standards:

Every one -story dwelling hereafter erected or altered shall have a building area of not less than one thousand (1,000) square feet. Every dwelling of more than one-story hereafter erected or altered shall have a total first-floor area of not less than six hundred (600) square feet.

Section 409.2.: Area Exceptions:

Lot area requirements shall not be held to prohibit the erection of a one-family dwelling on an accredited substandard lot, in which instance, the following shall be applicable:

- a. On a lot less than seventy (70) feet in depth, of a required front yard, the rear yard depth may be reduced, provided it is at least fifty-seven percent (57%) of said lot depth, exclusive of required front yard.
- b. On a corner lot less than sixty-five (65) feet in width, side yard widths may be reduced, provided the width of said yard abutting the street is at least forty-six percent (46%) of the lot width, and the width of side yard not abutting the street is at least fifteen percent (15%) of the lot width.
- c. On an interior lot less than forty-five (45) feet in width, side yard width may be reduced, provided each is at least twenty-two percent (22%) of the lot width. (See General Area Provisions and Exceptions, Section 902).

Section 409.3: Community Club

If a Community Club is erected in this district, the following must be complied with:

- a. The Club is a chartered, non-profit organization other than a social, fraternal, business or professional organization.
- b. There is neither the sale nor the dispensation of intoxicating beverages on the premises.
- c. All activities conducted on the premises are non-commercial and non-profit, and in each instance, the Board of Township Commissioners determines that those activities will not be detrimental to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted, and the number of people to be assembled or to use the premises at any one time.

SECTION 410
“R-2” TWO-FAMILY RESIDENCE DISTRICT

SECTION 410: “R-2” TWO-FAMILY RESIDENCE DISTRICT:

The R-2 Two-Family Residence District is composed of certain quiet, low-density residential areas of the Township, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life, where children are members of most families, and to prohibit all activities of a commercial nature except home offices of doctors or ministers and certain home occupations controlled by specific limitations governing the size and extent of such non-residential activities. To these ends, development is limited to a relatively loose concentration, and permitted uses are limited basically to single and two-family dwellings, providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities which serve the residents of the district.

SECTION 411: USE

- 411.1.** Any use permitted in the R-1 District, Section 401.
- 411.2.** Two-Family Dwellings
- 411.3.** Non-profit recreation area
- 411.4.** Public utility corporation buildings, structures, facilities and installations.
- 411.5.** Home occupation carried on within a dwelling unit by a resident thereof, in conformance with the requirements of Section 904.

SECTION 412: SPECIAL EXCEPTIONS:

Special exceptions permitted by the Zoning Hearing Board, as follows:

- 412.1.** Extension of a non-conforming use within a non-conforming structure or the change of such use within a non-conforming structure to a conforming use, or to another non-conforming use that is determined to be no more detrimental to the neighborhood (See Section 1300, et. seq.)
- 412.2.** Limited enlargement of a non-conforming structure (See Section 1300, et. seq.)

412.3. Temporary structure of a non-conforming structure (See Section 1300, et. seq.)

SECTION 413: ACCESSORY USE:

Accessory use (see Definition), provided a minor garage or minor parking area is used exclusively for the parking of non-commercial automobiles.

SECTION 414: SIGNS:

Signs, as prescribed in Article X

SECTION 415: PARKING SPACE:

Required automobile parking space, as prescribed in Article XI.

SECTION 416: HEIGHT

Same as in the "R-1" District, Section 406.

SECTION 417: AREA:

Same as in the "R-1" District, Section 407.

SECTION 418: YARD AREA:

Same as in the "R-1" District, Sections 408 and 408.1., except for Two-Family dwellings, the side yards shall be twenty (20) feet on each side.

SECTION 419: PERCENTAGE OF LOT COVERAGE:

All buildings, including accessory uses, shall cover not more than fifty percent (50%) of the area of the lot.

Section 419.1: Dwelling Standards:

Every one-story dwelling hereafter erected or altered shall have a building area of not less than nine hundred (900) square feet; two-family structures shall have a minimum of eighteen hundred (1,800) square feet. Every dwelling of more than one-story hereafter erected or altered shall have a total minimum first floor area of six hundred (600) square feet; two-family structures shall have a minimum first floor area of twelve hundred (1,200) square feet.

SECTION 420
“R-3” MULTIPLE-FAMILY RESIDENCE DISTRICT

SECTION 420: “R-3” MULTIPLE-FAMILY RESIDENCE DISTRICT.

The R-3 Multiple-Family Residence District is composed of certain medium-density residential areas of the Township representing a compatible co-mingling of a single-unit and multiple-unit dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families, and to prohibit all activities of a commercial nature except those having some aspects of residential use such as home offices of doctors or ministers, funeral homes, membership clubs, rooming houses and tourist homes controlled by specific limitations governing the size and extent of such semi-commercial activities. To these ends, development is limited to a medium concentration, and permitted uses are typically single and lose-rise apartments, providing homes for the residents in a variety of dwelling types, plus certain public facilities which serve the residents of the district. However, high-rise apartments and other multiple-family dwellings, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space.

SECTION 421: USE:

In this district, the land and structure may be used, and structures may be erected, enlarged, altered, and maintained for the following uses:

- 421.1.** Any use permitted in the R1 and R2 Districts.
- 421.2.** Multiple-family dwelling
- 421.3.** Membership Club
- 421.4.** Funeral Home

SECTION 422: HEIGHT

The maximum height of structures, except as otherwise provided, in this District, shall be:

- 422.1.** Thirty-five (35) feet (not exceeding two-and-one-half (2 1/2) stories) for a multiple-family dwelling.

422.2. For other structures, those requirements found in Section 406 shall apply.

SECTION 423: HEIGHT EXCEPTIONS

423.1. The height of a multiple family dwelling may be increased, provided:

- a.** The building is set back from the permitted side and rear building lines, five (5) feet, plus three (3) feet for each story over thirty-five (35) feet, or five (5) feet plus one (1) foot for each three (3) feet or fraction thereof of building height over forty-five (45) feet, whichever results in the greater dimension.
- b.** The building is set back from the permitted front building line, three (3) feet for each story over three (3) feet or one (1) foot for each three (3) feet or fraction thereof of building height over forty-five (45) feet, whichever results in the greater dimension.
- c.** No portion of the building is closer than one hundred (100) feet to any property in any R1 and R2 District.

SECTION 424: AREA:

Each lot in this District shall comply with the following minimum requirements, except as otherwise provided:

Lot Area: The minimum lot area for every structure hereafter erected or altered shall be as follows:

- 424.1.** One-Family detached dwelling, convent, membership club, home, monastery, rectory or parish house, as required or permitted in R-1 District.
- 424.2.** Multiple-family dwelling - for each dwelling unit with (amended Ordinance No. 383)
 - Four (4) ore more bedrooms - 3,500 square feet
 - Three (3) bedrooms - 3,000 square feet
 - Two (2) bedrooms - 2,500 square feet
 - One (1) bedroom - 2,000 square feet
- 424.3.** Church and similar place of worship, community club - as required in the R-1 District.
- 424.4.** Public or private school - as required in the R-1 District

SECTION 425: YARD AREAS:

Front Yard: Not less than 40 feet

Side Yard: Not less than 20 feet, the combined total for interior lots shall not be less than 40 feet (amended Ordinance No. 383).

Rear Yard: Not less than 30 feet

SECTION 426: PERCENTAGE OF LOT COVERAGE:

All buildings, including accessory uses, shall cover not more than forty-five percent (45%) of the area of the lot.

426.1. Each structure under one roof shall have the following minimum criteria (amended Ordinance No. 383):

- a. A minimum of twenty (20) feet width per dwelling unit, exclusive of common entrance halls, hallways, stairwells, and/or corridors
- b. No more than five (5) dwelling units adjacent to one another.

SECTION 427: OFF-STREET PARKING FACILITIES:

Shall be provided as required or permitted under Article XI.

SECTION 428: COMMUNITY CLUB:

A community club or membership club, if constructed and maintained in this area, shall conform with the same requirements as those required in R-1, and in addition, a membership club shall provide neither residence, public restaurant, nor bar facilities, and its operation shall not be disturbing to adjacent residential communities.

SECTION 429: FUNERAL HOME:

A funeral home erected in this or any other permitted District shall have the following:

- a. A lot having a minimum area of ten thousand (10,000) square feet, plus three hundred (300) square feet for each reposing room, provided: the prescribed yard, lot width and height requirements for a one-family dwelling are met; the main building shall be located not nearer than one

hundred (100) feet to property in an R-1 or R-2 District; there shall be no crematory, receiving vault, preparation room or display of merchandise or advertising visible from outside the main or accessory building; there shall be no loading or unloading of merchandise or bodies of deceased persons on public property; there shall be no parking or standing of motor vehicles on public property.

SECTION 430
“R-4” PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 430: PLANNED UNIT DEVELOPMENT DISTRICT:

Provision is hereby made for Planned Unit Development Districts to permit establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In Planned Unit Development Districts, land and structures may be used for any lawful purpose in accordance with the provisions set forth herein.

The procedure for obtaining a change in zoning district or undertaking development within a Planned Unit Development District shall be as follows:

- 430.1.** The owner of the land shall apply in writing and shall submit seven copies of a preliminary development plan as described in Section 431.
- 430.2.** The Planning Commission shall discuss the proposed application and shall review the preliminary development plan with the owner in conjunction with the developer. The Planning Commission shall prepare recommendations with regard to the preliminary development plan and, if applicable, the proposed change in district.
- 430.3.** The Planning Commission shall send a copy of its recommendations to the owner indicating its approval in principle, or its disapproval, within 30 days. If the preliminary development plan is approved in principle, the Planning Commission shall state any specific changes it will require.
- 430.4.** The owner shall submit three copies of an application for a change in district and/or three copies of a specific development plan as described in Section 431.
- 430.5.** The Planning Commission shall discuss the specific development plan with the owner. The Planning Commission will submit its findings as required by Section 433.
- 430.6.** After receipt of the Planning Commission's recommendations, the Board of Commissioners shall give public notice and public hearing shall be held on the proposed change of district and/or the specific development plan.
- 430.7.** After the public hearing, the Board of Commissioners shall amend the Zoning Map so as to define the boundaries of the Planned Unit Development District, approve or disapprove the application. The approval of the application shall have the effect of granting permission for development of the specific proposal within the area so designated in accordance with the development plan, which has been

submitted and approved. If the change of the district and/or specific development plan is approved, an appropriate notation to that effect will be made on the face of the copies of the specific development plan. Five copies will be retained by the Township Secretary, one copy will be give to the Planning Commission, and one copy will be returned to the owner and developer.

- 430.8.** When the owner and developer desires to proceed with the next phase of the development plan, approval shall be obtained as described herein and in Section

SECTION 431: PRELIMINARY DEVELOPMENT PLAN

The owner shall submit a preliminary development plan to the Planning Commission for review, which shall include the following information:

- 431.1.** Proposed site plan, showing building locations and land use areas.
- 431.2.** Proposed traffic circulation, parking areas, parking spaces and landscaping areas.
- 431.3.** Proposed construction sequence for buildings, parking spaces and landscape areas.

SECTION 432: DEVELOPMENT PLAN:

The owner shall submit a specific development plan to the Planning Commission for review, together with the application for a change of district classification, if applicable. The specific development plan shall be prepared by an architect, landscape architect, engineer, land surveyor, or planning consultant, and shall include the following information:

- 432.1.** Survey of the property, showing existing features of the property, including contours, buildings, structures, streets, utility easements, Right-of-Way, and land use.
- 432.2.** Site plan showing proposed building locations and land use area.
- 432.3.** Traffic circulation, parking areas and pedestrian walks.
- 432.4.** Landscaping plans, including site grading and landscaping design.
- 432.5.** Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
- 432.6.** Preliminary engineering feasibility studies of any anticipated problems which might arise due to the proposed development as required by the Planning Commission and Board of Commissioners.

- 432.8.** Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscape areas.
- 432.9.** The location and size of the common open space and the form of organization proposed to own and maintain the common open space.
- 432.10.** Mine study and/or core boring study with the requirement that the developer must comply with the recommendation of the engineering study if the development is approved by the Municipality.

This development plan shall be in general conformance with the approved preliminary development plan. Approval of the specific development plan shall be secured by the owner from the Board of Commissioners for each phase of the development, and no construction shall be authorized until the Preliminary Development Plan and Specific Development Plan have been approved by the Board of Commissioners. Such approval shall be valid for three years, at which time, unless the proposed development has been completed, the specific development plan shall be up-dated and submitted to the Planning Commission for review and re-certification.

SECTION 433: FINDING REQUIRED

The Planning Commission shall recommend the approval. Approval with modifications, or disapproval of the specific development plan. The Planning Commission shall enter its reasons for such action in its records. The Planning Commission may recommend the Establishment of the Planned Unit Development District provided that they find the facts submitted with the development plan establish that:

- 433.1.** The uses proposed will not be detrimental to present and potential surrounding areas, but will have a beneficial effect which could not be achieved under any other district.
- 433.2.** Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan.
- 433.3.** Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
- 433.4.** The proposed change to a Planned Unit Development District is in conformance with the general intent of the Comprehensive Master Plan.
- 433.5.** Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
- 433.6.** Existing and proposed utility services are adequate for the proposed development.

- 433.7.** Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment.

SECTION 434: PLANNED UNIT DEVELOPMENT STANDARDS

The purposes of Planned Unit Development Standards are to provide for the rezoning of land to residential and commercial development zones in conformance with provisions and standards which insure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound development in the interest of safety and general welfare of the public. The standards for Planned Unit Development Districts are to provide the Planning Commission and the Commissioners with a means to evaluate applications for these Districts consistent with the provisions and general intent and in conjunction with the Zoning Ordinance and amendments thereto. The following standards are intended to strengthen public control over development, while providing the necessary latitude for the developer to make creative and efficient use of his property. The Planned Unit Development area must be a minimum of ten (10) acres.

SECTION 435: PLANNED UNIT DEVELOPMENT RESIDENTIAL STANDARDS

In Planned Unit Development - Residential the following uses may be permitted:

- 435.1.** One-family dwelling, two-family dwelling
- 435.2.** Multiple-family dwelling
- 435.3.** Professional residence - office
- 435.4.** Religious institution
- 435.5.** School
- 435.6.** Community Center
- 435.7.** Membership Clubhouse
- 435.8.** Public Outdoor Recreation
- 435.9.** Accessory uses
- 435.10.** Parking
- 435.11.** Other uses approved by the Planning Commission and the Board of Commissioners.
- 435.12.** Group of residence facility and personal care home as a permitted use in the "R-4" Planned Unit Development District. **(Amended, Ordinance No. 226).**

SECTION 436: AREA, YARD, COVERAGE AND SUPPLEMENTARY REGULATIONS

- District Area Minimum:** 1 acre
District Width Minimum: 150 feet
District Depth Minimum: 150 feet
Lot Area Minimum: Single-family dwelling 7,000 square feet;
Two-Family dwelling 8,000 square feet,
Multi-family dwellings 4,000 square feet per dwelling unit.
- Yards required:** ***Permitted residential uses:***
Front Yard, rear yards and side yards for residential uses shall be designed so that no building is closer than 20 feet to any other building, and no building is closer than 25 feet to any boundary line of the district or public street.
- Other permitted uses:** Front, side, rear yards to be at least 40 feet.
Coverage Maximum: The structure cannot cover more than 40% of the district area minimum.

SECTION 437: PLANNED UNIT DEVELOPMENT, BUSINESS AND COMMERCIAL STANDARDS:

In Planned Unit Development - Business, the following uses may be permitted:

- 437.1.** Retail stores
- 437.2.** Business offices
- 437.3.** Hotels, motels
- 437.4.** Religious institutions
- 437.5.** Community centers
- 437.6.** Indoor and outdoor recreation
- 437.7.** Personal services
- 437.8.** Enclosed accessory uses - an accessory use being defined under Ordinance
- 437.9.** Parking
- 437.10.** Other uses approved by the Planning Commission and the Board of Commissioners.

SECTION 438: AREA, YARD, COVERAGE AND SUPPLEMENTAL REGULATION:

District Area Minimum: ~~2-acres~~ 2.5 acres. **(Strikethrough, Amended)**

Ordinance 259).

District Width Minimum:	200 feet
District Depth Minimum:	200 feet
Front Yard Minimum:	40 feet
Rear Yard Minimum:	25 feet or 50 feet abutting residential uses or districts
Side Yard Minimum:	25 feet or 50 feet abutting residential uses or districts
Coverage Maximum:	The structure cannot cover more than 35% of the District area minimum

SECTION 439: AUTHORITY

The authority of the Planning Commission shall be to make recommendations as provided in Ordinance 127, enacted September 12, 1972.

SECTION 440

“R-5” MULTIPLE-FAMILY DWELLINGS AND MOBILE HOME PARKS

SECTION 440: MULTIPLE FAMILY DWELLINGS AND MOBILE HOME PARKS

The R-5 Multiple-Family Residence District is composed of certain medium-density residential areas of the Township representing a compatible co-mingling of single-unit and multiple-unit dwellings, and mobile home parks, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families, and to prohibit all activities of a commercial nature except those having some aspects of residential use.

SECTION 441: USE:

In this district, the land and structure may be used, and structures may be erected, enlarged, altered and maintained for the following uses only:

- 441.1.** Any use permitted in an R-3 district.
- 441.2.** Mobile Home Parks
- 441.3.** Educational Institutions **(Amended, Ordinance No. 332.)**.
- 441.4.** Adult Businesses **(Amended, Ordinance No. 367)**.

SECTION 442: DEVELOPMENT STANDARDS:

For development of any use permitted in an R-3 area, those standards prescribe in R-3 shall apply.

SECTION 443:

For development of a Mobile Home Park, the following shall apply:

SECTION 444: MOBILE HOME PARKS:

444.1. Development Standards:

- a. Minimum size of site: Ten (10) contiguous acres
- b. Minimum lot area: 6,000 square feet
- c. Minimum setback from site property line to side or rear of closest mobile home: Fifty (50) feet
- d. Minimum setbacks from public road Right-of-Way to side of mobile home: Thirty (30) feet
- e. Minimum setbacks within the site:
 - i. Between edge of access street and end or side of mobile home: Thirty (30) feet
 - ii. Between parallel ends of adjacent mobile homes: Thirty (30) feet
 - iii. Between parallel sides of adjacent mobile homes: Thirty (30) feet
 - iv. Between the end of one mobile home and the parallel side of and adjacent mobile home: Thirty-five (35) feet
 - v. Determination of relationship of adjacent mobile home: Sides or ends of adjacent mobile homes shall be considered parallel if they form an angle, when the adjacent sides or ends are extended to intersect, of not less than forty-five (45) nor more than one hundred thirty-five (135) degrees.

444.2.: Circulation

- a. Each mobile home location on the site shall abut an access road which shall lead directly to the public road serving the property.
- b. All access roads in the site shall be constructed to meet Kennedy Township design standards and shall be approved as to construction in the same manner as streets in a subdivision.
- c. Access roads shall be at least thirty-four (34) feet of width, including stabilized berms if no curbs are installed, or twenty-two (22) feet if curbs are installed.
- d. Parking, if provided in group lots serving mobile homes, shall be no further distant than one hundred (100) feet from the farthest mobile home thus served. Otherwise, each mobile home location shall be provided with two off-street parking spaces with dust-free stabilized surfaces.

- e. Pedestrian circulation ways through the park shall be surfaced with a permanent non-skid material.

Section 443.3.: Site preparation, drainage and foundations

- a. The requirements for grading and drainage contained in the Township Slope Ordinance shall be adhered to in preparing a mobile home park site.
- b. Mobile homes shall be supported on a concrete block or reinforced concrete foundation extending at least three (3) feet below finished grade, such foundation capable of bearing the mobile home weight without settlement.
- c. Mobile homes shall be securely fastened to their foundation and the area below the mobile home extending to the ground shall be enclosed with metal or other skirting.

Section 444.4.: Utilities

- a. Every mobile home location shall be connected to a public sewage disposal system and public water supply system
- b. If the park is too far removed for connection to an existing public sewage disposal system, it shall be served by an interim disposal plant of the Pennsylvania and Allegheny County Departments of Health
- c. Water may be obtained by one or more wells providing a supply of sufficient quality, quantity and reserve capacity to meet the requirements of the Pennsylvania Department of Health, if it is not feasible to connect to a public water supply.

Section 444.5.: Attachments to Mobile Homes

No enclosed permanent addition to a mobile home shall be permitted in a park. Concrete slabs on grade covered by overhead structures attached to a mobile home to provide a patio are allowed, provided such structures are securely fastened to the mobile home and the ground.

Section 444.6.: Recreation

- a. A recreation area or areas totaling at least 5,000 square feet in area or at least 500 square feet in area for each mobile home served, whichever is greater, shall be provided in each mobile home park.
- b. The recreation area or areas shall be centrally located and so placed that all portions are on land that does not slope in excess of ten (10) percent in any direction
- c. Recreation areas shall be equipped with appropriate play apparatus, benches and landscaping and shall be maintained by the land owner.

Section 444.7.: Other uses within the Park

An office and residence of the owner, operator or manager of the park may be constructed within the park, but no other uses, except central washing and/or laundry facilities, will be permitted.

Section 444.8.: Sale of portions of the Mobile Home Park

No portion of an approved mobile home site shall be served for separate sale unless the portion to be sold abuts a public street, unless requirements for setbacks from property lines in a mobile home park are maintained in the original and severed sections and unless access and utilities are separated in each site and neither site is dependent upon the other for any services.

Section 444.9.: Procedure

- a. The owner of the land proposed for development as a mobile home park shall submit the following:
 - i. A survey map showing the site boundaries, adjacent streets, public sewer, water, gas and electric systems adjacent to the site or proposed to serve the site; contours at two (2) foot intervals throughout the site; and location, width and purpose of any easements across the site.
 - ii. A plan showing the location of each mobile home, proposed sewer, water, gas and electric lines, proposed storm drainage system, proposed circulation system, including access roads, parking areas and pedestrian ways, location of recreation area or areas, proposed alteration of contours at two (2) foot intervals,

and location of any proposed easements, indicating width and purpose.

- iii.* Written documentation indicating that existing public sewer and water systems are capable of accepting the proposed plan or approvals of the Pennsylvania Department and County Department of Health, indicating adequacy of the park's sewage disposal and water supply plans; and that a bond equal to the anticipated cost of the improvements as determined by the Township Engineer has been posted in favor of Kennedy Township.

Section 444.10.: Occupancy of a Mobile Home Park

- a.** The owner or operator shall have in his possession a valid permit of the Pennsylvania and Allegheny County Departments of Health for operating a mobile home park before an occupancy permit for any mobile home in the park may be issued.
- b.** At least ten (10) mobile home locations in the park shall be constructed with all utilities, access and parking before the permit of occupancy for the first mobile home shall be issued.
- c.** The owner and operator of any mobile home park shall not refuse entrance into the park of any Township officer on official business for the purpose of inspecting the premises for compliance with this Ordinance.
- d.** The owner or operator of a mobile home park shall be responsible to Kennedy Township for any delinquent taxes owned the Township by former residents of the park no longer living there.

Section 445: Mobile Home Standards Code

Any mobile home shall and must be in compliance with:

“Uniform Standards Code for Mobile Homes”, Act of May 11, 1972 (No. 69) (35 Purdons Statutes, Sec. 155.1 et. seq.), and the “Industrialized Housing Act”, Act of May 11, 1972 (No. 70) (35 Purdons Statutes, Sec. 1651, et. seq.).

SECTION 446: ADULT BUSINESSES (AMENDED, ORDINANCE NO. 367)

SECTION 446.1: SIGNS

As prescribed in Article X.

SECTION 446.2: PARKING

Required automobile parking space and loading space, as prescribed in Article XI.

SECTION 446.3: HEIGHT

The maximum height of structures shall be thirty-five (35) feet (not exceeding two and one half (2½) stories).

SECTION 446.4: AREA, YARD COVERAGE AND SUPPLEMENTARY REGULATIONS

Lot Area Minimum: Fifteen Thousand (15,000) square feet.

Width Minimum: One Hundred (100) feet at the building line.

Yards Required: Front Yard Minimum: Forty (40) feet.

Side Yard Minimum: Thirty (30) feet, the combined total for interior lots shall not be less than sixty (60) feet.

Rear Yard Minimum: Thirty (30) feet.

Coverage Maximum: The structure cannot cover more than thirty-five percent (35%) of the area minimum.

Location: A. An adult business shall not be, or cause to be, established, operated and/or maintained within one thousand (1,000) feet of:

- (i) A church;
- (ii) A public or private educational institution;
- (iii) A public library;
- (iv) A child care facility or nursery school;

- (v) A child oriented business; or
- (vi) A public park adjacent to any residential district.

For the purpose of this section of the ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted, to the nearest property line of the premises of a church, public or private educational institution, public library, child care facility or nursery school, child oriented business or public park adjacent to any residential district.

B. Only one adult business may be established, operated and/or maintained in the same building, structure or portion thereof.

C. An adult business shall not be, nor cause to be, established, operated and/or maintained within one thousand (1,000) feet of another adult business. For the purpose of this section of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted to the nearest property line of the premises of another adult business.

**ARTICLE V
COMMERCIAL DISTRICTS**

SECTION 500

“C-1” CONVENIENCE COMMERCIAL DISTRICT

SECTION 500 “C-1” CONVENIENCE COMMERCIAL DISTRICT.:

The “C-1” Convenience Commercial District is designed to encourage the construction of new shopping facilities and continued use of land for neighborhood commercial service purposes; to prohibit residential, heavy commercial and industrial use of land; to prohibit any other use which would substantially interfere with the development or continuation of the commercial uses and structures in the district; and to discourage any use which because of its character and size would interfere with the use of land in the districts as a shopping and service center for the surrounding residential districts. This district classification is intended to be applied to areas largely surrounded by residential classifications. Because the locations of the “C-1” District and the arrangement of the uses within them are expected to have a close relationship to the over-all plan and protection to residential districts, it is deemed that the exercise of planning judgment on location and site plans is essential.

SECTION 501: USE:

In this district, the land and structures may be used, and structures may be erected, altered, enlarged and maintained for limited commercial use, listed hereunder. Each enterprise shall:

- a. Be conducted entirely within an enclosed building, unless otherwise specifically stated.
- b. Not be objectionable because of odor, smoke, dust, noise, vibration, glaring lights, or similar causes.
- c. Not exceed a gross floor area of ten thousand (10,000) square feet.

In any “C-1” District the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this ordinance, be in accordance with a site plan or plans approved by the Planning Commission. The site plan shall be submitted and governed by the requirements of Ordinance No. 348.

SECTION 502: PERMITTED USES:

The permitted uses are:

502.1. Any use permitted in R-3.

502.2. *Group of residence facility and personal care home as a permitted use in the "C-1" Convenience Commercial District. (Amended, Ordinance No. 226).* Shopping centers, retail stores, services shops including, but not limited to, laundry, dry cleaning establishments, beauty and barber shops, banks, eating and drinking places, offices, public buildings, public utility structures, hotels, professional buildings, and public parking garages, ***and automobile car washing facilities (Amended, Ordinance No. 210), garden suppliers, nurseries and greenhouses, provided that no odors, dust, noise or glaring light is noticeable outside any lot in this district used for a a nursery, greenhouse or garden supply. (Amended, Ordinance No. 216).***

502.3. Special exceptions permitted by the Zoning Hearing Board, as follows:

- a.** Extension of a non-conforming use within a non-conforming structure, or the change of such use within a non-conforming structure to a conforming use or to another non-conforming use that is determined to be no more detrimental to the neighborhood (See Section 1300, et seq.)
- b.** Limited enlargement of a non-conforming structure (See Section 1300, et seq.)
- c.** Temporary structure or use in connection with an authorized use (See Section 1300, et seq.)

502.4. In addition to provisions set forth in this Ordinance relative to C-1 uses abutting R districts, the following shall apply with regard to automobile car washing facilities, both automated and self-service:

- a.** Their hours of operation shall be confined to the hours of 7:00 am to 11:00 pm daily.
- b.** At all times during their operation, there must be an attendant employed by the owner or tenant of the car washing facility on the premises. **(Amended, Ordinance No. 210).**

502.5. Notwithstanding any other provisions of this Ordinance to the contrary, no automated car washing facility shall exist in any district where the lot and/or land on which it is constructed would abut any R district. An automated car

washing facility is one defined as a facility utilized for the purposes of washing any motor vehicle for which it does not require the services and assistance of the owner and/or operator of the motor vehicle in order to wash, clean or service that motor vehicle. **(Amended, Ordinance No. 210).**

SECTION 503: SIGNS

As prescribed in Article X

SECTION 504: PARKING::

Required automobile parking space and loading space, as prescribed in Article XI.

SECTION 505: HEIGHT:

The maximum heights of structures, except as otherwise provided, in this district shall be:

- 505 1.** Thirty-five (35) feet (not exceeding two and one-half (2 1/2) stories) for a main structure
- 505 2.** Fifteen (15) feet (not exceeding one (1) story) for accessory structures
(See General Height Provisions and Exceptions, Section 901)

SECTION 506. AREA:

506.1. The minimum lot area for every building hereafter erected or altered shall contain a minimum lot area of twenty thousand (20,000) square feet:

Front Yard Depth: Ten (10) feet, except as provided in Section 506.2.

Side Yard Width: Five (5) feet, except as provided in Section 506.2.

Rear Yard Depth: Ten (10) feet, except as provided in Section 506.2.

506.2. When a side, front or rear yard abuts property in an "R" District:

- a.** It shall be screened from such "R" District by a fence, masonry wall or solid fence, six -and-one-half (6 1/2) feet high extending along the property line adjoining the abutting "R" District but not closer to a street than the buildable area of the lot, and have a side and rear yard of at least thirty-five (35) feet.

b. The said abutting side or rear yard shall be planted and maintained with shrubbery so as to provide a visual screen approximately six-and-one-half (6 1/2) feet high, between the concerned "C" District and the abutting "R" District, and have a side and rear yard of at least thirty-five (35) feet.

SECTION 510
“C-2” - PLANNED SHOPPING COMMERCIAL DISTRICT

SECTION 510: “C2” - PLANNED SHOPPING COMMERCIAL DISTRICT.

The “C-2” Planned Shopping Commercial District is intended as the primary business district of the community for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise or congregation of people and passenger vehicles. This includes such uses as retail stores, theatres, business offices, newspaper offices and printing presses, restaurants, bars, and community garages or community parking areas subject to special regulations. ~~(Residential and)~~ industrial use of land is prohibited as well as any other use which would substantially interfere with the development or continuation of the commercial structures and uses in the district. (Amended, Ordinance No. 403)

This district classification to intended to be centrally located on or at the confluence of major access highways, so as to serve its purpose. Because the locations of the “C-2” Districts, and the arrangement of the uses within them are expected to have a close relationship to the overall plan and protection of the highways, it is deemed that the exercise of planning judgment on location site plan is essential.

SECTION 511: USE:

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for commercial uses listed hereunder. Each enterprise shall not be noxious or offensive by reason of emission of odor, smoke, dust, noise, vibration, glaring light, or similar causes, and there shall be no outdoor storage or display of merchandise or material except that offered for sale on the premises.

In any “C-2” District, the use shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a site plan or plans approved by the Planning Commission. The site plan shall be submitted and governed by provisions of Ordinance No. 348.

Section 512: Permitted Uses are:

512.1. Any use permitted in C-1

- 512.2. Motels, auto sales, auto service and repair, commercial schools, theatres, shopping centers, wholesale distributing, drive-in restaurants, public speaking garage, and office centers.
- 512.3. Helicopter landing and operational area and terminal facilities as provided in Section 905.

Section 513: Signs

Signs, as prescribed in Article X.

Section 514: Parking

Required automobile parking space and loading space, as prescribed in Article XI.

Section 515: Height

The maximum height of structures, except as otherwise provided, in this district:

- 515.1. Forty-five (45) feet (not exceeding three (3) stories) for main structures.

Section 516: Height Exceptions

- 516.1. The height of a main building may be increased, provided:
 - a. The building or increased height portion thereof is set back from the permitted building lines one (1) foot for each four (4) feet of building height over forty-five (45) feet, or two and one quarter (2 1/4) feet for each story over three (3), whichever results in the greater dimension.
 - b. The cubical content of the building does not exceed the cubical content of a solid having a base equal to the buildable area of the lot and a height of forty-five (45) feet.

(See General Provisions and Exceptions, Section 901).

Section 517: Area

No "C-2" District planned shopping use or complex shall comprise an area of less than two (2) acres. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

- Front Yard Depth: Ten (10) feet
- Side Yard Depth: Five (5) feet except in the following instances:
 - a. When side lot line abuts an "R" District - See Section 517.1
 - b. A side yard abutting a street - not less in width than the depth of front yard required on the adjoining lot on that street.

Rear Yard Depth: Same as side yard requirement.

517.1. When a side or rear yard abuts property in an "R" District:

- a. It shall be screened from such "R" District by a masonry wall or solid fence, six and one-half (6 1/2) feet high extending along the property line adjoining the abutting "R" District but not closer to a street than the buildable area of the lot, and have a side and rear yard of at least thirty-five (35) feet.
- b. The said abutting side or rear yard shall be planted and maintained with shrubbery so as to provide a visual screen approximately six and one-half (6 1/2) feet high, between the concerned "C" District and the abutting "R" District, and have a side and rear yard of at least thirty-five (35) feet.

SECTION 520
“C-3” HIGHWAY COMMERCIAL DISTRICT

SECTION 520: “C-3” HIGHWAY COMMERCIAL DISTRICT:

The “C-3” Highway Commercial District is intended to encourage highway oriented commercial-type facilities; to prohibit residential, or heavy industrial use of land which could substantially interfere with traffic flow.

This district classification is intended to be placed along major roadways or highways so as to serve its purpose because the locations of the C-1 District, and the arrangement of the uses within them are expected to have a close relationship to the overall plan and protection of the highway and adjacent residential areas, it is deemed that the exercise of planning judgment and site plan is essential.

SECTION 521: USE

In this district, the land and structures may be erected, altered, enlarged, and maintained for commercial uses listed hereunder. Each enterprise shall not be noxious or offensive by reason of emission on odor, smoke, dust, noise, vibration, glaring light, or similar causes, and there shall be no outdoor storage or display of merchandise or material except that offered for sale on the premises. In any “C-3” District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this ordinance, be in accordance with a site plan or plans approved by the Planning Commission. The site plan shall be submitted and govern by the provisions of Ordinance No 348.

SECTION 522: PERMITTED USES

The permitted uses are:

522.1. Any use permitted in “C-2” Districts.

522.2. Amusement enterprise, including the following: Billard, bowling alley, theater or cinema (other than drive-in theater), when conducted entirely within a completely enclosed buildings

- 522.3.** Automobile truck and house trailer sales and supply business with incidental service, provided sales area is located and developed as required in Section 900.3.
- 522.4.** Automobile service station, including automobile car washing enterprises, automobile and truck storage end repairing provided:
- a.** Such activities and storage shall be conducted entirely within an enclosed building;
 - b.** No stand, rack or other paraphernalia other than in direct connection with merchandise offered for sale shall be manifest outside a completely enclosed building.
- 522.5.** Health clubs
- 522.6.** Beverages, retail or wholesale distribution of
- 522.7.** Business college; trade or proprietary school
- 522.8.** Garden suppliers, nursery
- 522.9.** General photography (including blueprinting and photostating)
- 522.10.** Hospital for small animals (dogs and the like), including kennel, provided yards are enclosed and a lot area of at least three (3) acres
- 522.11.** Printing plants
- 522.12.** Recreation uses need not be within an enclosed building
- 522.13.** Restaurant and bar (with or without dancing and live entertainment)
- 522.14.** Storage, other than those listed below, so long as such storage is entirely within an enclosed structure:
- a.** Cellulois
 - b.** Coal and coke
 - c.** Garbage, offal, dead animals or refuse
 - d.** Gas (in its various forms except propane) in excess of ten thousand (10 000) cubic feet
 - e.** Gasoline in excess of an amount necessary for use on the premises or to supply retail trade at service stations
 - f.** Gunpowder, fireworks or other explosives or nuclear reactive materials
 - g.** Junk, scrap, metal, paper, rags, or junk automobile parts
 - h.** Petroleum and petroleum by-products in excess of an amount necessary for use on the premises.
 - i.** Raw hides or skins.
- 522.15.** Signs, as prescribed in Article X.

SECTION 523: PARKING:

Required automobile parking space and loading space as prescribed in Article XI.

SECTION 524: HEIGHT:

Same as in "C-2" Districts.

SECTION 525: HEIGHT EXCEPTIONS:

Same as in "C-2" Districts.

SECTION 526: AREA:

Same as in "C-2" Districts

ARTICLE VI
PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION 600

“M-1” LIMITED INDUSTRIAL DISTRICT

SECTION 600: “M-1” LIMITED INDUSTRIAL DISTRICT:

The “M-1” Limited Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, contribute to the soundness of the economic base of the Township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work and otherwise further the purposes set forth in the initial paragraphs of this Ordinance. The limitations on use height and lot coverage are intended to provide for modern light industrial development in a suburban landscaped setting; residential and the more general commercial uses not compatible or continuation of the industrial uses and structures in the district.

Because the nature of the uses, the locations of the “M-1” Districts and the arrangement of the uses within them are expected to have a close relationship to the overall plan, it is deemed that the exercise of planning judgment on location and site plan is essential.

SECTION 601: USE:

In this district, the land and structures may be used, and structures may be erected, altered, enlarged and maintained for limited light industrial uses listed hereunder when conducted within an enclosed building unless otherwise specifically stated, provided:

- a.** No explosive or radioactive materials or processes are involved
- b.** No smoke, fumes, odor, dust, noise, vibration or glaring light is noticeable from outside any lot in the district
- c.** The use is not offensive by reason of emission of refuse matter or water-carried waste.

In an “M-1” District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a site plan

or plans approved by the Planning Commission. The site plan shall be submitted and governed by the provisions of Ordinance No. 348.

SECTION 602: PERMITTED USES:

Permitted uses are:

- 602.1.** Any use permitted in "C-3".
- 602.2.** Assembly of small electrical appliances.
- 602.3.** Community garage, garage for major automobile repair, painting, upholstery, tire retreading recapping, battery manufacture, and the like, provided (See Section
 - a.** Sale and service of fuel and lubricating oil need not be within an enclosed building.
 - b.** No stand or other paraphernalia, other than, or in direct connection with, merchandise offered for sale, is manifest outside a completely enclosed building.
- 602.4.** Boatbuilding, of only small boats.
- 602.5.** Building materials sales establishment need not be within an enclosed building.
- 602.6.** Distribution plant, including parcel delivery storage plant, bottling plant, and food commissary or catering establishment.
- 602.7.** Laboratory - experimental, photo, or motion picture, film or testing.
- 602.8.** Machinery, sales and display - need not be within an enclosed building.
- 602.9.** Manufacturing, fabricating, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, clay, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, not employing a boiling process, paper, rubber, plastics, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, but not including heavy woodworking shop, and yarns.
- 602.10.** Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.
- 602.11.** Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures, metal products of a light nature, including heating and ventilating ducts and equipment, cornices, eaves, and the like, and also including plumbing, heating or electrical contracting business.

- 602.12.** Manufacture of musical and small precision instruments, watches and clocks, toys, novelties rubber and metal hand stamps.
- 602.13.** Manufacture, processing, canning, packaging or treatment of such products, as beverages, cosmetics, drugs, perfumed toilet soap, perfumes, pharmaceuticals, and food products, not including fish smoking, curing or canning, rendering of fats and oils, or the slaughter of animals.
- 602.14.** Recreating uses need not be within an inclosed building.
- 602.16.** Signs, as prescribed in Article X - need not be within an enclosed building

SECTION 603: PARKING:

Required automobile parking space and loading space, as prescribed in Article XI - need not be within an enclosed building.

SECTION 604: HEIGHT:

The maximum heights of structures, except as otherwise provided in this district, shall be:

- 604.1.** Forty-five (45) feet (not exceeding three (3) stories) for main structures
- 604.2.** Fifteen (15) feet (not exceeding one (1) story) for accessory structures
(See General Height Provisions and Exceptions, Section 901)

SECTION 605: AREA

Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

- 605.1.** Front yard depth Thirty-five (35) feet
- 605.2.** Side yard width none required except in the following instances:
 - a.** When side lot line abuts an "R" District seventy (70) feet
 - b.** A side yard abutting a street - not less in width than the depth of front yard required on the adjoining lot on that street
- 605.3.** Rear yard depth Seventy (70) feet, when rear lot line abuts an R District, otherwise, none required.
- 605.4.** When a side or rear yard abuts property in an "R" District

- a.** It shall be screened from such “R” District by a masonry wall or solid fence, six and one-half (6 1/2) feet high extending along the property line adjoining the abutting “R” District but not closer to a street than the buildable area of the lot; or
- b.** The said abutting side or rear yard shall be planted and maintained with shrubbery so as to provide a visual screen approximately six and one-half (6 1/2) feet high, between the concerned “R” District and the abutting property.

SECTION 610
“M-2” GENERAL INDUSTRIAL DISTRICT

SECTION 610: “M-2” GENERAL INDUSTRIAL DISTRICT:

The “M-2” General Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, contribute to the soundness of the economic base of the Township, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this Ordinance. The limitations on use, height, and lot coverage are intended to provide for modern light industrial development in suburban landscaped setting; residential and the more general commercial uses are considered not compatible or continuation of the industrial uses and structures in the district.

Because the nature of the uses, the location of the M-2 Districts, and the arrangement of the uses within them are expected to have a close relationship to the overall plan, it is deemed that the exercise of planning judgment on location and site plan is essential.

SECTION 611: USE

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for limited light industrial uses listed hereunder when conducted within an enclosed building unless otherwise specifically stated, provided:

- a. No explosive or radioactive materials or processes are involved.
- b. No smoke, fumes, odor, dust, noise, vibration, or glaring light is noticeable from outside any lot in this district.
- c. The use is not offensive by reason of emission of refuse matter or water-carried waste.

In an M-2 District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a site plan or plans approved by the Planning Commission. The site plan shall be submitted and governed by the provisions of Ordinance No 348.

SECTION 612: PERMITTED USES:

The permitted uses are:

612.1. Any use permitted in M-1

612.2. Junk yard

SECTION 613: PARKING:

Required automobile parking space and loading space, as prescribed in Article XI - need not be within an enclosed building.

SECTION 614: HEIGHT AND AREA:

Same as in M-1 District, except that if a junk yard is established in this District, the junk yard operator must have at least ten (10) contiguous acres and must not have any storage of junk any closer than three hundred (100) feet from any of its boundaries.

SECTION 615: JUNK YARDS:

It is further provided that any use of land for a junk yard must be conducted with a solid board fence sufficiently high to screen effectively the contents from public view, the maintenance of which is in good repair shall be prerequisite to the continued conduct of the activity conducted therein. Two or more abandoned automobiles not removed for one month shall be deemed to be a junk yard.

ARTICLE VII
NON-CONFORMING USES AND STRUCTURES

SECTION 700

SECTION 700: NONCONFORMING USE OF LAND OR BUILDING:

Except as hereinafter provided in this article the lawful use of a building or structure or of any land or premises existing at the time of the effective date of this ordinance or at the time of a change in the district map may be continued although such use does not conform to the provision hereof.

SECTION 701: CHANGES:

A non-conforming use may be changed only to a use permitted in the district in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a non-conforming use.

SECTION 702: REPAIRS AND ALTERATIONS:

May be made to a non-conforming building or structure, provided that in a building or structure which is non-conforming no enlargement shall be made.

SECTION 703: RECONSTRUCTION OF STRUCTURE USE BY A NON-CONFORMING USE:

A structure used by a non-conforming use at the time of the passage of this amending Ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50%) percent of the assessed valuation of the structure as assessed for County taxes, unless the use of said structure is changed to a conforming use.

SECTION 704: REPAIRS AND ALTERATIONS TO NON-CONFORMING USES:

This section shall not prohibit minor repairs or alterations to a non-conforming building or use, which alterations or repairs do not require the removal or replacement of any structural member, increase the floor area of the building or change the use thereof.

SECTION 705: RECONSTRUCTION OF DAMAGED STRUCTURES:

When a non-conforming structure or a structure containing a non-conforming use is damaged by fire, flood, wind, or act of God, such structure may be reconstructed and used as before any such calamity, provided such reconstruction takes place within one year of the calamity.

SECTION 706: DISCONTINUANCE OF USE:

In the event that a non-conforming use of any building, structure, or land is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

ARTICLE VIII
EXTERIOR WALL SURFACES

SECTION 800

SECTION 800: "C" DISTRICT EXTERIOR WALL SURFACES:

In all "C" Districts, the following exterior wall surfaces shall apply:

No building shall be erected in these districts, whether main or accessory, which has any part of its exposed exterior wall surface composed of concrete block or cinder block except as hereinafter set forth. Exposed exterior surfaces on such buildings shall be composed of the following materials only, unless an additional material is approved by the Board of Township Commissioners to be of equal or superior quality when used under the circumstances proposed:

- a. Brick
- b. Stone;
- c. Glass;
- d. Metal, only as approved by the Board of Township Commissioners;
- e. Marble;
- f. Wood;
- g. Concrete block may be used for exposed exterior wall surfaces on the rear wall only where upon approval of the Board of Commissioners; such building is so located that such rear wall would not be viewable by passersby or any part of the general public

SECTION 801: RETAINING/LANDSCAPE WALLS

- a. No person shall construct a Retaining or Landscape Wall in the Township without first obtaining a building permit from the Township.
- b. Retaining and/or Landscape Walls shall be constructed and maintained so as not to create a physically hazardous nor otherwise offensive condition.
- c. In all zoning districts, only the following materials shall be used in the construction of retaining and/or landscape walls.
 - 1. Brick
 - 2. Stone

3. Metal (Retaining walls only), as approved by the Planning Commission and Board of Commissioners).
 4. Landscape Ties
 5. Concrete block (as approved by the Planning Commission and the Board of Commissioners).
- (Amended, Ordinance No. 332).**

**ARTICLE IX
GENERAL PROVISIONS**

**SECTION 900
CONFORMANCE AND PERMITS**

SECTION 900: CONFORMANCE AND PERMITS:

- 900.1.** No building or land shall, after effective date of this Ordinance, except for existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located, and then only after applying for and securing all permits and licenses required by all laws and Ordinances.
- 900.2.** No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or open space similarly required for another building.
- 900.3.** Any use involving as a principal part of the conduct of business, the use or servicing of motor vehicles, such as an automobile service station or sales area, community or major garage or parking area, distribution plant, or freighting or trucking terminal shall be so located that no vehicular entrance or exit shall be closer than three hundred (300) feet to an entrance or exit of any elementary or secondary or vocational school, playgrounds, church, or public library located on the same side of a street or way. Similarly, no entrance or exit to any elementary or secondary or vocational school, playground, church, or public library shall be located closer than three hundred (300) feet to a vehicular entrance or exit of such use as above noted.
- 900.4.** No lodgers, or roomers shall be permitted in any dwelling unit within the Township of Kennedy.
- 900.5.** Where approval of site plan or plans by the Planning Commission is prerequisite to the issuance of a permit, other than in a PUD district, in which event the provisions in the PUD Section of this Ordinance shall control, action shall be taken by the Planning Commission in accordance with the requirements of Ordinance No. 348.
- 900.6.** Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be

used independently of the others in its respective zoning classification; and for the purposes of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership.

- 900.7.** A temporary structure or use, purely incidental to an authorized use, may be permitted for a period not exceeding ninety (90) days, provided such structure shall be complete in itself, and not a part of a future building, without basement and intended only for a temporary storage of materials and/or tools or as a construction or sales office and not for use as a dwelling or garage. The use shall be construed to include construction trailers limited to the aforesaid storage or office use.
- 900.8.** Nothing in the district regulations shall be held to prohibit the erection of a one-family dwelling upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided such lot on the effective date of this ordinance was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations except lot area requirements.
- 900.9.** A site restoration bond to assure restoration of the site to an approved condition in the event that construction of a proposed development in accordance with approved plans and zoning requirements does not occur may be required by the Municipality in "R-2", "R-3", "C" and "M" zoning districts.

SECTION 901: GENERAL HEIGHT PROVISIONS AND EXCEPTIONS

- 901.1.** The permitted heights of structures shall be measured from the basic grade as hereto defined. On a corner lot the basic grade shall be the mean of the basic grades of both frontages. On a through lot, the basic grades of each frontage shall control the permitted height of the structure to one-half (1/2) the depth of the zoning lot.
- 901.2.** A structure conforming as to use, but not complying with the height regulations, of the district in which it is located, may be restored if damaged or partially destroyed by fire, flood, wind, or other calamity or act of God, in the same location, not exceeding the same height, and for the same use, as it was before the occurrence.
- 901.3.** A structure conforming as to use, but not complying with the height (or area) regulations, may be enlarged, provided the enlarged portion thereof complies with all the regulations of this Ordinance.

- 901.4.** The following structures or portions thereof may extend above the height limit of the district in which the same is located, provided every portion of such structure above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure is in height.
- a.** Church towers and spires
 - b.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building
 - c.** Fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures.
- 901.5.** In measuring the height of a building in stories, a basement shall be counted as a story, only when sixty (60%) percent or more of the front wall surface thereof, between the floor and ceiling is above the grade level of the ground, abutting the front wall of the structure, as shown on the construction plans.

SECTION 902: GENERAL AREA PROVISIONS AND EXCEPTIONS

- 902.1.** Any portion of a lot once used as a yard, or as a lot area in compliance with the area requirements of the district regulations of this Ordinance, shall not be counted again as required yard or lot area for another structure.
- 902.2.** On a through lot, the rear yard depth shall not be less than, but need not exceed, the required depth of front yard in the district in which such lot is located.
- 902.3.** A buttress, chimney, cornice, pier, or pilaster, projecting no more than twenty-four (24) inches from the wall of the building may project into a required yard.
- 902.4.** A screening wall, shrubbery and/or fence, no more than ~~eight and one-half feet (8 1/2)~~ four (4) feet in height, may be erected in any required side or rear yard or within the buildable area, including the clear sight triangle of at least seventy-five (75) feet. **(Strikethrough – Amended, Ordinance No. 445)** A fence not exceeding ten (10) feet in height, may be built in any required yard for schools, playgrounds, or parks; or in any required side or rear yard in commercial or industrial districts.
- 902.5.** Public service lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communication, or railroad trackage, and supporting members other than buildings, shall not be required to be located on an individual building lot nor be held to reduce the required yard dimensions for other structures on a lot.

902.6. Landscape features, such as trees, shrubs, or flowers, soil cultivation, plants, and plantings, shall be permitted in any required yard provided that when in a front yard they do not constitute a hedge effect more than one and one-half (1 1/2) feet in height above the ground level adjacent thereto.

902.7a. A group residence facility in “R-4” Planned Unit Development District or personal care home located in a “C-1” Convenience Commercial District shall be located not less than one mile from any other group residence facility, personal care home, nursing home, drug and/or alcohol residential or out-patient clinic, or similar facility, half-way house or agency. This one mile separation distance is measured by drawing a circle with a one mile radius where the center of the circle is the proposed facility. **(Amended, Ordinance No. 226).**

SECTION 903: FARMS:

No farm animal shall be kept on any property in any district unless the owner or keeper of the animal has at least five (5) contiguous acres on which the animal is to be kept.

SECTION 904: HOME OCCUPATION:

In an “R” District, for a home occupation (including home office) carried on within a dwelling unit by a resident thereof as a customary secondary use, provided:

- a. In connection with which there is no person employed, no display, no sign other than a name plate, no mechanical equipment used other than normal domestic or household equipment, and no selling of a commodity or non-professional service on the premises
- b. In connection with a home office, not more than one (1) assistant is employed and no colleagues or associates use such office
- c. The use does not occupy more than twenty-five (25%) percent of the total floor area of one (1) floor, and does not require internal or external alterations or involve construction features not customary in dwellings
- d. In addition to automobile parking space required for the dwelling use under Article XI, parking space shall be required for the home occupation according to the nature of the use and the need as determined by the Board, at the rate of one (1) parking stall for every two hundred (200) square feet of home occupation floor area.

- e. Reasonable safeguards are established against possible detriment to the neighboring properties through emission of smoke, fumes, odors, dust, noise, vibration, or glaring light, as determined by the Board.

SECTION 905: AIR-TERMINAL FACILITIES:

In any district where a helicopter landing and operational area and terminal facilities are allowed, the following must be adhered to:

- a. The landing and operational area shall not be less in size than the minimum recommended by such state and/or federal agencies authorized to advise or regulate such aircraft installations.
- b. The landing area shall be located not closer than three hundred (300) feet to any property in an "R" or "C-1" District and shall be located not closer than one hundred (100) feet to any street.
- c. Minor servicing shall be permitted in any of the districts, but major servicing and repair facilities shall be permitted in M District only.

ARTICLE X SIGNS

SECTION 1000

SECTION 1000: "R" DISTRICT SIGN REGULATIONS:

In "R" Districts, the following signs shall be permitted and the following regulations shall apply:

- 1000.1.** One (1) identification sign for a multi-family dwelling or a home occupation. When for a multi-family dwelling, not to exceed twelve (12) square feet; when for a home occupation, not to exceed one and one-half (1 1/2) square feet.
- 1000.2.** One (1) bulletin board per street for church or similar place of worship, each not to exceed thirty (30) square feet.
- 1000.3.** Temporary unlighted real estate sign, not to exceed thirty (30) square feet.
- 1000.4.** Directional sign, not exceeding one and one-half (1 1/2) square feet.
- 1000.5.** In connection with a parking facility, directional signs not to exceed eight (8) square feet each.
- 1000.6.** Traffic control signs installed and maintained by the Municipality, County of Allegheny, Commonwealth of Pennsylvania or any governmental authority.
- 1000.7.** Any use other than specified in Paragraphs 1000.1-1000.6 herein, not to exceed twelve (12) square feet per principal building or use.
- 1000.8.** Billboards are specifically prohibited in any "R" District.
- 1000.9.** All signs in any "R" District shall be non-flashing and non-animated; those not attached to a building shall be set back at least fifteen (15) feet from lot or street line; and no sign shall project above the roof or be mounted on a building above the eave line of a roof.
- 1000.10.** No merchandise or pictures of the adult businesses' products or entertainment available on the premises shall be displayed on any sign or in any window areas or in any area where they can be viewed from the public right-of-way abutting the premises.

SECTION 1001: "C-1" DISTRICT SIGN REGULATIONS:

In the "C-1" District, the following signs shall be permitted and the following regulations shall apply:

- 1001.1.** Any sign permitted in an "R" District.
- 1001.2.** Business sign or identification sign, not to exceed ~~one (1)~~ two (2) square foot for every ~~two (2)~~ one (1) lineal feet of frontage occupied, but not to exceed sixty (60) square feet for any one business. (Amended Ord No. 449)
- 1001.3.** One (1) business or identification sign for a group of three or more businesses on one parcel or tract, not to exceed one hundred twenty (120) square feet
- 1001.4.** Billboards are specifically prohibited in any "C-1" District
- 1001.5.** All signs in any "C-1" District shall be non-flashing and non-animated, if illuminated, they shall utilize reflected or refracted light in such manner as to not detrimentally affect any property in an "R" District.
- 1001.6.** Signs not attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. A freestanding sign shall not exceed twenty (20) feet in height. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave line of a flat roof.

SECTION 1002: "C" AND "M" SIGN REGULATIONS:

In all other "C" Districts and "M" Districts, the following signs shall be permitted and the following regulations shall apply:

- 1002.1.** Any sign permitted in "R" and "C-1" Districts.
- 1002.2.** Business sign or identification sign, not to exceed one (1) square foot for every one (1) lineal foot of frontage occupied, but not to exceed one hundred twenty (120) square feet for any one business.
- 1002.3.** One (1) business or identification sign per street for a group of three or more businesses on one parcel or tract, not to exceed two hundred forty (240) square feet per sign.
- 1002.4.** Signs not attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. A free-standing sign shall not exceed forty (40) feet in height. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave line of a flat roof.

1002.5. All signs in any "C-2", "C-3", or "M" District shall be non-flashing and non-animated if illuminated, they shall utilize reflected or refracted light in such manner as to not detrimentally affect any property in another zoning district.

1002.6. Billboard not to exceed three hundred (300) square feet may be permitted by the Municipal Officials, provided that it shall be located so as to:

- a. Not be located closer than fifty (50) feet to a public right-of-way.
- b. Not project above the ridge line of a sloping roof nor the eave line of a flat roof, if it is attached to a building.
- c. If free-standing, not exceed twenty (20) feet in height.
- d. Be on a parcel or lot not abutting or opposite a frontage in an "R" District, unless the advertising face is not visible from the "R" District.
- e. Be no nearer than three hundred (300) feet to any "R" District if illuminated, unless the advertising face is not visible from the "R" District.
- f. Be no nearer than three hundred (300) feet to any church school, park, playground, or recreational area owned and operated by a public authority.
- g. Be no nearer than four hundred (400) feet to the centerline of any restricted or limited access highway or the access ramps thereto, if the face of the sign is visible therefrom.

SECTION 1003: ADDITIONAL AND GENERAL REGULATIONS:

1003.1. Where a sign is permitted by any provision of this Article, it shall be construed to permit a double-faced sign. Each face of a double-faced sign may equal the maximum size permitted for the particular type of sign under this Article.

1003.2. A building permit shall be required for any sign or billboard in excess of three (3) square feet.

1003.3. The requirements of this Article shall not be held to prohibit the erection of a marquee or canopy provided it bears no sign other than an identification sign which does not project above or below the marquee or canopy nor exceed twelve (12) inches in vertical dimension.

ARTICLE XI
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1100

SECTION 1100: GENERAL PROVISIONS:

1100.1. Procedure:

An application for a building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

1100.2. Extent of Control:

The off-street parking and loading requirements of this ordinance apply as follows:

- a. All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
- b. When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinefter for required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this ordinance parking and loading facilities shall be increased to that the facilities will at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this Ordinance to the entire building or structure as modified.

1100.3. Existing Off-Street Parking and Loading Spaces:

Accessory off-street parking and loading spaces in existance on the effective date of this Ordinance may not be reduced in number unless already exceeding the requirements of this Article for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

SECTION 1101: DESIGN AND MAINTENANCE:

1101.1. Parking Space-Description:

A required off-street parking space shall be an area of not less than one hundred eighty (80) square feet, nor less than nine (9) feet wide by twenty (20) feet long measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, and shall comply with the requirements of Ordinance No. 348.

1101.2. Measurement of Space:

When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) may be disregarded, and fractions over one-half (1/2) shall be interpreted as one parking space.

1101.3. Access Parking Facilities:

Access Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed thirty (30) feet in width for one-way movement.

1101.4. Signs:

No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to Article X, this Ordinance.

1101.5. Striping:

All parking spaces in "C" and "M" Districts shall be approved by the Planning Commission.

1101.6. Required Setbacks:

No parking space or portion thereof established on a lot shall be located within a required front yard except in "C" and "M" Districts, where off-street parking areas may be installed and maintained, in the required front yard, provided such parking areas do not occupy the first five (5) feet of front yard nearest the street or alley.

1101.7. Surfacing:

All open off-street parking areas shall be in accordance with Ordinance No. 348.

1101.8. Lighting:

Any lighting used to illuminate an off-street parking area shall be in accordance with Ordinance No. 348.

1101.9. Storm Water:

In addition to Ordinance No. 348, adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The Township Engineer shall approve all such facilities.

1101.10. Walls or Planting Strip:

See Section 800 of this Ordinance, and Ordinance No. 348.

SECTION 1102: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS:

1102.1. One and two-family dwellings:

Two parking spaces for each family dwelling unit.

1102.2. Three or more family dwellings:

Two parking spaces for each family dwelling unit.

1102.3. Bowling alleys, recreation centers, swimming pools, skating rinks, outdoor commercial recreation enterprises and other recreation and amusement facilities:

One parking space for every three (3) customers computed on the basis of maximum servicing capacity at any one time plus one (1) additional space for every two (2) persons regularly employed during peak shift on the premises.

1102.4. Club houses and meeting places of veterans, business, civic, fraternal, labor and similar organizations:

One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall, and dining rooms of such building plus one (1) additional space for every two (2) persons regularly employed during peak shift on the premises.

1102.5. Dormitories, fraternity houses, and sorority houses:

One (1) parking space for every two (2) beds occupied at a maximum capacity. This requirement is in addition to the parking space requirements for educational establishments set forth elsewhere herein.

1102.6. Drive-in facilities:

Five (5) per one hundred (100) square feet floor space.

1102.7. Funeral homes and undertaking establishments:

Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for every two (2) persons regularly employed on the premises during peak shift and one (1) space for every six (6) seats in the establishment.

1102.8. Hospital:

One (1) parking space for each four (4) beds intended for patients excluding bassinets, plus one (1) per doctor, plus one (1) per two (2) employees on peak shift, plus one (1) per hospital vehicle.

1102.9. Indoor Retail Businesses:

Parking or storage space for all vehicles used directly in the conduct of such business plus one (1) parking space for each one hundred twenty-five (125) square feet of sales area.

1102.10. Industrial plants and facilities:

Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one (1) parking space for every three (3) employees on the premises at maximum employment on the peak shift.

1102.11. Junior and Senior high schools:

One (1) parking space for every six (6) seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school plus two (2) additional spaces for each classroom.

1102.12. Libraries, museums, post-offices and similar establishments:

Parking or storage space for all vehicles used directly in the operation of such establishment plus one (1) parking space for each two hundred fifty (250) square feet of total floor area.

1102.13. Medical and dental clinics:

Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees.

1102.14. Nursing Homes:

One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for hospitals set forth herein.

1102.15. Offices:

One (1) parking space for every two hundred (200) square feet of office space.

1102.16. Outdoor Retail Businesses:

Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment plus one (1) parking space for every five hundred (500) square feet of lot area used for business purposes.

1102.17. Public and private elementary schools:

One (1) parking space for each person regularly employed at such school plus one (1) additional space for each classroom.

1102.18. Public garages:

Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business plus three (3) parking spaces for each person regularly employed on the premises.

1102.19. Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments:

Parking or storage space for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.

1102.20. Restaurants, indoor, and other eating and drinking establishments:

One (1) parking space for each table or booth plus one (1) parking space for every two stools at bar or counter, plus one (1) parking space for every two (2) employees on peak shift.

1102.21. Service Stations:

Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons employed on the premises at maximum employment on a single shift.

1102.22. Theaters, auditoriums, churches, stadiums, and other places of public assembly:

One (1) parking space for every six (6) seats available at maximum capacity.

1102.23. Motels and hotels:

One (1) parking space each sleeping room offered for tourist accommodation plus one (1) space for each dwelling unit on the premises plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

1102.24. Transportation terminals:

One (1) parking space for every one hundred (100) square feet of waiting room plus one additional space for every two (2) persons regularly employed on the premises during peak shift.

1102.25. Universities, colleges, academies, and similar institutions of higher learning:

One (1) parking space for every four (4) seats occupied at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution plus four (4) additional spaces for each classroom.

1102.26. Warehouses, freight, terminals and trucking terminals:

Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person regularly employed on the premises during peak shift.

1102.27. Group residence facility and personal care home:

On-site parking facilities shall be provided at the ratio of one stall for every two full-time staff members and an additional stall for every two non-staff residents who are eligible and are permitted by sponsor to operate a vehicle. **(Amended, Ordinance No. 226).**

1102.28. Adult Businesses: (Amended, Ordinance No. 367 – Refer to for definitions)

Off street parking facilities shall be provided for adult businesses as follows:

- (i) Adult arcade, adult bookstore, adult video store, escort agency, nude model studio and sexual encounter center:

Parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for each one hundred twenty-five (125) square feet of total floor area of the premises, plus one (1) parking space for every two (2) persons regularly employed during peak shift.

- (ii) Adult cabaret: One (1) parking space for each table or booth, plus one (1) parking space for every two (2) persons regularly employed during peak shift.

- (iii) Adult motel: One (1) parking space for each sleeping room offered for clientele accommodation plus one (1) parking space for each dwelling unit on the premises, plus one (1) parking space for every two (2) persons regularly employed on the premises during peak shift.

- (iv) Adult motion picture theater and adult theater: One (1) parking space for every four (4) seats available at maximum capacity, plus one(1) parking space for every two (2) persons regularly employed on the premises during peak shift.

SECTION 1103: LOCATION OF PARKING AREAS:

Off-street automobile parking facilities shall be located hereinafter specified; where distance is specified such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.

1103.1. For one and two-family dwellings:

On the same lot with the building they are required to serve.

1103.2. For three and four-family dwellings not over two stories in height:

On the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be assured to be on a single lot or parcel of land.

1103.3. For clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes and for other similar uses

On the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which to located the building or buildings they are intended to serve.

1103.4. For multiple-family dwellings containing more than four dwelling units and all other uses

On the same lot or parcel of land as the building they are required to service or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the main use being served, provided the lot or parcel of land selected for the parking facilities is located on an "R-3", "C", or "M-1" District.

1103.5. Notwithstanding paragraphs 1103.1 - 1103.4

above No parking area accessory to a "C" or "M-1" use shall be located in an "R" District.

SECTION 1104: ADDITIONAL REGULATIONS - PARKING:

1104.1. Use of Off-Street Parking Facilities

Off-street parking facilities accessory to residential use and development in any residential district in accordance with the requirements of this Article, shall be used solely for the parking of passenger automobiles, commercial vehicles of not more than one (1) ton GVW owned by occupants of the dwelling structures to which such facilities are accessory, service vehicles, or by guests of said occupants.

1104.2. Joint Parking Facilities

Off-street facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use are permitted provided that the total number of spaces requirements for each use of which normal hours of operation coincide and not more than three hundred (300) feet from and contiguous to the lot on which the main building is located.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned approved

as to form and execution by the Municipal Solicitor and shall be filed with the application for a building permit.

1104.3. Control of Off-Site Facilities

When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be in the same possession either by deed or long-term lease as the property occupied by such principal use and the owner shall be bound by covenants of record filed in the office of the Municipal Secretary requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

1104.4. Non-residential Parking in Residential Districts

Accessory off-street parking facilities serving non-residential uses of property is prohibited in an "R" District.

SECTION 1105: DESIGN MAINTENANCE AND SCHEDULE OF OFF-STREET LOADING SPACE.

1105. Design:

- a. Loading Space: - Description:** An off-street loading space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall not be less than twelve (12) feet in width, fourteen (14) feet in height and of adequate length to suit the specific use exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned herein.
- b. Location:** No permitted or required loading space shall be closer than seventy-five (75) feet to any property in a residential district, unless completely enclosed by building walls or an ornamental fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two streets. Loading space open to the sky may be located in any required yards.
- c. Measurement of Spaces:** When determination of the number of required off-street loading spaces results in a requirement of a fractional space any

fraction up to and including one-half (1/2) may be disregarded, and fractions over one-half (1/2) shall be interpreted as one loading space.

- d. Surfacing:** All open off-street loading berths shall be improved with a compacted base, surfaced with all-weather dustless material, of adequate thickness to support the weight of a fully-loaded vehicle.

1105.2. Loading and Unloading Space

Every building or structure used for business, trade, or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended, or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley, or adjoining property. The following off-street loading and unloading space requirements for specific requirements for specific uses shall be provided:

- a. Multi-story, Multiple-family dwellings:** One (1) off-street loading and unloading space at least ten (10) feet wide for every three thousand (3,000) square feet of total floor area.
- b. Industrial plants:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.
- c. Warehouses and wholesale storage facilities:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

SECTION 1106: NON-RESIDENTIAL PARKING IN RESIDENTIAL DISTRICTS:

Accessory off-street parking facilities serving non-residential uses of property are prohibited in any "R" District.

In the event any provision of this Section conflicts with the provisions of Ordinance No 348, the more stringent requirements of the two Ordinances shall prevail.

ARTICLE XII ZONING HEARING BOARD

SECTION 1300 POWERS

SECTION 1300: POWERS

1300.1. The Zoning Hearing Board

Created and existing pursuant to Ordinance No 126, shall, in addition to the duties and authority vested in them by that Ordinance and the Pennsylvania Municipal Planning Code, have the authority to grant specific exceptions and perform other duties as provided herein:

1300.2. Special Exceptions

To hear and decide the following special exceptions to the terms of this Ordinance and to authorize a permit:

a. In any district, for:

(1) A temporary structure and use in connection with an authorized use, provided

a. The structure shall be complete in itself and not a part of a future building, without basement, and intended only for temporary storage of materials and/or tools, or as a temporary construction or sales office and not for use as a dwelling or garage. The use shall be construed to include construction trailers, limited to the aforesaid storage or office uses.

b. The use shall be purely incidental to the authorized use

c. It shall be demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties

d. The permit shall be issued for a period not exceeding six (6) months but the period may be extended under like conditions.

(2) The extension of a non-conforming use within a non-conforming structure, or for the change of such use within a non-conforming structure to a conforming use, provided that in each case:

- a.** A report and recommendation is requested from the Planning Commission which shall indicate, among other things, whether the effected area is an appropriate one for clearance and redevelopment, renewal or conservation.
- b.** No structural alterations are made other than those ordered by an authorized public officer to assure the safety of the structure and the occupants thereof, or those provided for under Section below
- c.** No living-quarter use shall be located in the same story of a building in which an industrial establishment is located, and vice-versa.
- d.** All technical advances pertaining to such non-conforming use are utilized, and the time of operation of such use is so scheduled as to minimize the detrimental effect of such use on the adjacent structures and uses.
- e.** The use may be continued only so long as the structure remains.

(3). The enlargement of a non-conforming commercial or industrial structure other than a sign, and the extension of a non-conforming use throughout said structure provided:

- a.** The gross floor area of the enlargement shall not exceed fifty percent (50%) of the gross floor area of the non-conforming structure, or non-conforming portion thereof, on the effective date of this ordinance which later makes such structure or portion thereof, non-conforming.
- b.** It shall be demonstrated to the satisfaction of the Board that such extension or enlargement is reasonably necessary at the concerned location because of normal growth of business.
- c.** All other applicable regulations and requirements of this Ordinance shall be complied with.
- d.** The Board shall impose such conditions and safeguards as it deems necessary in order to protect adjacent conforming uses and structures against the adverse effects of such non-conformity.

1300.3. Proposed Conditional use for Group Residence Facilities and Personal Care Homes in “R-4” and “C-1” Districts

The standards of review for dealing with proposed conditional use for group residence facilities and personal care homes in the “R-4” and “C-1” Districts are as follows:

- a. Whether the establishment, maintenance, location and operation of the proposed use will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b. Whether the proposed use will be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes permitted.
- c. Whether the establishment and proposed use will impede the normal and orderly development and improvements of surrounding properties for uses permitted in that district.
- d. Whether adequate facilities, access roads, drainage or other necessary facilities have been or will be provided.
- e. Whether adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- f. Whether the proposed use will, in all other respects, conform to the applicable regulations or to the district in which it is located.
(Amended, Ordinance No. 226).

ARTICLE XIII ADMINISTRATION

SECTION 1400

SECTION 1400: BUILDING PERMIT

- a.** No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the Building Inspector. No such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except upon written order of the Zoning Hearing Board.
- b.** There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing actual dimensions of the lot, the exact size and location on the lot of the building and accessory buildings and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.
- c.** One copy of such layout or plot plan shall be returned when approved by the Building Inspector, together with such permit to the applicant, and one copy attached to and made a part of the application.
- d.** The Building Inspector shall issue a Building Permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations, and in no event shall any Permit be issued until at least seven (7) days after application has been made in accordance with this Ordinance.

SECTION 1401: CERTIFICATE OF OCCUPANCY

- a.** After completion of a building or structure for which a building permit has been issued and inspection has determined that all requirements of all codes and ordinances of the Municipality have been met, a Certificate of Occupancy shall be issued by the Building Inspector, stating that the building and proposed use thereof comply with the provisions of the ordinance.
- b.** No non-conforming use shall be maintained, renewed or changed without a Certificate of Occupancy having been secured from the Building Inspector within one (1) year from the effective date of this Ordinance.

- c. All Certificates of Occupancy shall be applied for prior to the occupancy at any structure. Said Certificate will be issued if the building or use is found to be in accordance with all codes and ordinances.
- d. The Building Inspector shall maintain a record of all Certificates and copies which will be furnished upon request to any person having proprietary or tenancy interest in the building affected.
- e. No permit for excavation for, or the erection or alteration of, or repairs to any building shall be issued until an application has been made for a Certificate of Occupancy.
- f. No changes will be permitted in parking areas or striping of parking areas after an occupancy permit has been issued. Failure to comply will result in revocation of occupancy permit.
- g. Whenever a party or parties seeks to occupy a dwelling or other building as a group residence facility or personal care home, the party or parties shall file a detailed statement of intent describing the proposed use of the dwelling or building, which statement shall detail the proposed number and nature of the anticipated occupants, with the Township Office. A license or certification shall also be obtained from the Commonwealth or County prior to issuance of a certificate of occupancy. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the Board of Commissioners that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.

The sponsor shall file annually with the Township Building Inspector information indicating that the facility continues to satisfy the conditions of original approval.

The sponsoring agencies shall be notified by mail of the annual filing date thirty days prior to such date. Ten days after the filing date, an advertisement shall be placed in a local newspaper for one day, listing those agencies that have applied for recertification or requesting comments from residents in community organizations within thirty days from the date of advertisement. Individuals or organizations wishing to file a complaint shall do so in writing to the Township Building Inspector. Change in sponsorship or any conditions of original approval shall constitute a new use and the full procedure for obtaining a new use shall be exercised. **(Amended, Ordinance No. 226)**

ARTICLE XIV AMENDMENT AND ENFORCEMENT

SECTION 1500

SECTION 1500: CHANGES AND AMENDMENTS

1500.1. Procedure

Whenever the public necessity, convenience, or general welfare indicates, the Township Commissioners may, by Ordinance, after report thereon by the Planning Commission and subject to the procedure provided in this section, amend, supplement, or change the regulations, district boundaries, or classifications of property, as the same are established by this Ordinance (or may hereafter be made a part thereof). Such ordinances for amendment, supplement, reclassification, or change, may be initiated by request of one (1) or more members of the Township Commissioners, either upon its own initiative or in response to petition from the owners of a majority of the property according to frontage in the district, or reasonable portion thereof, the classification of which is proposed to be changed, or at the request of the Planning Commission.

1500.2: Petition: Form and Content

Petitions for any change of regulations, district boundaries, or reclassification of property, as shown on the Zoning Map, shall be filed with the Planning Commission, in the public office of said Commission upon forms, and accompanied by such data and information, as may be prescribed for that purpose by the Commission so as to assure the fullest practical presentation of facts, for the permanent record.

1500.3. Preparation of Ordinance

Either in response to a petition from property owners, or at the request of the Township Commissioners, or on its own initiative, the Planning Commission shall, with the advice of the Township Solicitor, prepare the Ordinance for any proposed amendment, supplement, reclassification, or change.

1500.4. Planning Commission Action

The Planning Commission shall make a report and recommendation on each request for zone change (petition or otherwise) within sixty (60) days from the date of said request, setting forth in detail reasons wherein public necessity, convenience, general welfare and the objectives of the overall comprehensive plan do or do not justify the proposed change, and shall forward its findings and recommendations, together with the necessary Municipal Amending Ordinance bill,

to the Township Commissioners. At its discretion, the Planning Commission may hold a public hearing before making such report and recommendation.

1500.5. Public Hearing and Commissioners' Action

Public notice and hearing shall be held by the Planning Commission and the Board of Commissioners.

1500.6. Fees

The party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit a fee of One Hundred Twenty-five dollars (\$125.00) with the Municipality at the time the application is filed and obtain a receipt therefor. An additional fee of One Hundred Dollars (\$100.00) shall be paid to the Municipality prior to the publication of "Notice of Public Hearing" is ordered by the Municipality, and shall obtain a receipt therefor. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Municipality.

SECTION 1501. REMEDIES

In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this ordinance, the proper authorities of the Township, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.

SECTION 1502: VIOLATION, PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof in a court of record, be fined not to exceed three hundred dollars (\$300 00) for any one (1) offense, recoverable with costs, judgment or imprisonment, not exceeding thirty (30) days, if the amount of said judgment and costs shall not be paid. Each day that a violation is permitted to exist shall constitute a separate offense. Proceedings against violators shall be instituted by the Building Inspector upon his own or upon direction of the Township

Commissioners, the Planning Commission or the Zoning Hearing Board. It shall be the duty of the Building Inspector to investigate any complaint, filed in writing by a citizen or any public or private agency or corporation touching violations of this Ordinance, and to act thereon if the facts so warrant.

ATTEST:

TOWNSHIP OF KENNEDY

(ss) Victoria Wilczynski

Township Secretary
Victoria Wilczynski

(s) Anthony LaQuinta

Anthony LaQuinta, Chairman

APPROVED AS TO FORM:

(s) Joseph J. Pass, Jr.

Township Solicitor
Joseph J. Pass, Jr.

Date Enacted: August 6, 1976

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Township of Kennedy

Ordinance No. 171

Zoning Ordinance of the Township of Kennedy