

ORDINANCE NO. 2023 – 4

**AN ORDINANCE OF THE TOWN COUNCIL OF THE MUNICIPALITY OF
KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME RULE
MUNICIPALITY, ENACTING A COMPREHENSIVE REVISION TO THE KINGSTON
ZONING ORDINANCE**

SECTION 101 TITLE

The official title of this Ordinance is: The 2023 Zoning Ordinance of the Municipality of Kingston.

SECTION 102 PURPOSE

This Ordinance is enacted to accomplish the purposes enumerated in Section 604 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The provisions of this Ordinance are designed to achieve the following:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as reservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided however, that the zoning ordinance shall not be deemed invalid for the failure to provide any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 103

COMMUNITY DEVELOPMENT OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving and promoting the following goals and objectives of the Municipality of Kingston which include but is not limited to the following:

LAND USE OBJECTIVES

- To adopt appropriate land use plans and zoning regulations to encourage new development.
- To bring about gradual conformity of land use and to minimize, to an extent consistent with this objective, conflicts involving present and future use of land.
- To maintain existing patterns of density development to preserve the character of the Municipality of Kingston while allowing for new growth and development.
- To maintain orderly growth to provide for an economically balanced and socially viable community.
- To encourage careful aesthetic consideration and planning in private and public construction with visual compatibility between the scale of existing and new development.

HOUSING OBJECTIVES

- To provide housing opportunities in appropriate areas to meet the needs of all residents, regardless of household size, age and/or income.
- To encourage, through the design of new residential construction and the rehabilitation of existing residential structures, a wide range of housing types, priced suitably for those working and living in the area.
- To work to encourage affordable housing, especially for young families and senior citizens, at varied densities.
- To exclude land uses from residential areas, which may not be compatible with residential development and/or stability.
- To stabilize existing residential areas in older neighborhoods through effective Code enforcement and the preservation of the housing stock.

ECONOMIC DEVELOPMENT OBJECTIVES

- To encourage economic growth on a scale consistent with the Municipality of Kingston's basic community character.

- To encourage sufficient commercial enterprise to satisfy community needs and afford a broad range of enough employment opportunities to ensure fiscal health.
- To maintain the economic viability of existing commercial districts.
- To promote the most desirable use of land and development in accord with a well-considered plan, to promote stability of commercial development that will strengthen the economic base of the Municipality of Kingston and protect the character of commercial districts.
- To avoid commercial uses incompatible with pedestrian environment; to minimize traffic congestion on the streets, provide for public conveniences, and fulfill the other broad purposes of the Ordinance.
- To develop, maintain and upgrade commercial districts through emphasis on proper access, adequate parking and loading facilities; to promote greater efficiency and improved appearances in commercial uses through careful application of design standards.
- To provide for the retention and addition of light industrial uses in the Municipality of Kingston, maintaining high standards of design and construction with buffer areas as needed.
- To ensure availability of land most suitable for industrial and related activities that protects residential neighborhoods from industrial encroachment.
- To ensure that industries are reasonably free from offensive noise, vibration, smoke, odor, glare, hazards or fire, or other objectionable effects.
- To promote and encourage the adaptive reuse of industrial sites with flexibility to add commercial activities.

TRANSPORTATION OBJECTIVES

- To provide for a safe and efficient multi-modal transportation system at a publicly acceptable cost that supports the current and future needs of residents and that strengthens preferred land use patterns, protects the environment and preserves and enhances the quality of life.
- To aid in bringing about the most beneficial relationship between land use and circulation throughout the Municipality of Kingston, with particular regard to vehicular traffic and the avoidance of congestion in the streets, and provision of safe and convenient access appropriate to the various uses.
- Maintain and manage existing transportation facilities and services to optimize efficiency.

- Provide needed pedestrian and bicycle facilities to use as a safe and healthy alternative to automobile travel. Support the role of walking and bicycling in promoting reducing energy consumption and reducing greenhouse gases.
- To inject long-range considerations into the determination of short-range actions.
- To bring professional and technical knowledge to bear on the decision-making process concerning the physical development of the community.
- To protect the appearance of visually prominent areas within the Municipality of Kingston.

OPEN SPACE/ ENVIRONMENTAL OBJECTIVES

- Promote and encourage sustainable development practices.
- Maximize preservation/conservation of open space and natural resources throughout the Municipality of Kingston while supporting economic growth.
- Encourage open space and recreational areas in areas such as riparian areas, along creek, wetlands areas, steep slopes and floodplains less suitable for building in order to maintain for public welfare, the natural watersheds and drainage system in the Municipality of Kingston.
- To develop and maintain recreational programs primarily through the maintenance and upgrade of existing parks and recreational facilities.
- Protect priority watersheds and headwater streams from encroachment and land development practices that degrade the quality of these systems.
- Implement stormwater Best Management Practices.
- Provide a balance of active and passive outdoor recreational facilities readily accessible for all residents within the Municipality of Kingston.
- Encourage the use of renewable energy sources including wind and solar power.
- Minimize the negative impact of automobile off-street parking through the use of maximum permitted spaces, shared parking facilities and design mitigation measures, including required landscaping standards and the use of porous pavement, bio-swale and rain gardens.

GOVERNMENTAL OBJECTIVES

- To inject long-range considerations into the determination of short-range actions.
- To bring professional and technical knowledge to bear on the decision-making process concerning the physical development of the community.
- To continue to cooperate with other adjoining municipalities on intergovernmental issues of mutual concern.
- To coordinate the Municipality of Kingston's plans and programs with County, State and Federal plans, policies and programs with the intent of seeking such governmental funding when applicable to the Municipality of Kingston's plans.
- To continue to conduct the Municipality of Kingston's affairs in an open, efficient, economical and fair manner for the welfare of all citizens.

SECTION 104 REPEALING PROVISION

All Ordinances, or any parts thereof, including Ordinance 181 in its entirety, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 105 SEVERABILITY

If any article, section, subsection, paragraph sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof

SECTION 106 ENACTMENT

This Ordinance is comprised of 14 chapters including this preface and the chapters that immediately follow.

Introduced at a regular meeting of the Town Council of the Municipality of Kingston, Luzerne County, Pennsylvania, held this 6th day of March, 2023.

The Council of the Municipality of Kingston, Luzerne County, Pennsylvania, by the authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, do hereby enact and ordain into an ordinance the "The Municipality of Kingston Zoning Ordinance of 2023" this ____ day of _____, 2023.

SECTION 107 EFFECTIVE DATE

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

FOR THE TOWN COUNCIL

Robert Jacobs, President

ATTEST:

Paul Keating, Administrator/Acting Secretary

APPROVED:

Jeffrey R. Coslett, Mayor

Date: _____