

TOWNSHIP OF OHIO

ORDINANCE NO. 326

AN ORDINANCE OF THE TOWNSHIP OF OHIO, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ITS ZONING ORDINANCE, ORDINANCE NO. 305, AMENDING SEVERAL EXISTING DEFINITIONS IN ARTICLE II, SECTION 201, INCLUDING BED AND BREAKFAST, KENNEL, AND LIFE CARE COMMUNITY; ADDING A NEW DEFINITION TO ARTICLE II, SECTION 201, FOR "MOBILE FOOD VENDOR" AND ADDING SUBSEQUENT SUPPLEMENTAL REGULATIONS FOR MOBILE FOOD VENDORS IN ARTICLE XIV; AMENDING APPENDIX E, THE TABLE OF AUTHORIZED USES, TO ALLOW THE NEWLY AMENDED TERM LIFE CARE FACILITY/SENIOR ADULT LIVING COMMUNITY AS A CONDITIONAL USE IN THE C-2 ZONING DISTRICT; AND, LASTLY, AMENDING THE MAXIMUM PERMITTED HEIGHT OF ALL PRINCIPAL BUILDINGS IN THE C-1 LIMITED COMMERCIAL ZONING DISTRICT.

WHEREAS, as authorized by the Municipalities Planning Code, the Board of Supervisors of the Township of Ohio regulates land use within the Township through its comprehensive Zoning Ordinance, presently embodied in Ordinance No. 305, as amended;

WHEREAS, upon recommendation of the Township Planning Commission, the Township Board of Supervisors wishes to amend various provisions of its Zoning Ordinance as follows: Firstly, to amend several existing definitions, including Bed and Breakfast, Kennel, and Life Care Community; secondly, adding a new definition Mobile Food Vendor and subsequent regulations for mobile food vendors; thirdly, amending the Table of Authorized Uses to allow Life Care Facilities/Senior Adult Living Communities as a Conditional use in the C-2 General Commercial Zoning District; and lastly, amending the maximum permitted height of all principal buildings in the C-1 Limited Commercial Zoning District.

WHEREAS, the Township has, in accordance with the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Division in the Department of Economic Development for review and comment;

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting;

WHEREAS, on March 5, 2018 and again on June 4, 2018, the Township Board of Supervisors held a duly noticed, advertised, and posted public hearing to take public comment on the proposed zoning text amendments; and

WHEREAS, the Township Board of Supervisors, having received such public comment as may have been given at the public hearings, and having received the recommendations of the Township's Planning Commission and Township Manager, finds that the enactment of the proposed zoning ordinance text amendments will be beneficial to the health, safety, and welfare of the Township and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Township of Ohio Board of Supervisors, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENTS REGARDING CHANGES TO EXISTING DEFINITIONS AND TERMS

That the Township Zoning Ordinance, Ordinance No. 305, as amended, is hereby further amended as follows:

- a. Amend the existing definitions below, as follows, in Article II, Section 201:
 - i. **BED AND BREAKFAST**: A dwelling which is the principal residence of the operator and in which a maximum of four (4) sleeping rooms are provided to overnight guests for a period of not more than 14 consecutive nights in a 30-day period, with or without breakfast meals, for compensation. This definition shall not include a boarding house, rooming house, group home, short-term rental property, motel, or hotel.
 - ii. **KENNEL**: A structure and/or premises where a maximum of twenty (20) dogs and/or cats who are six (6) months or older are kept, bred, trained, groomed, cared for during the day, and/or boarded at any one time, whether for profit or not. A

kennel shall not be considered a no-impact home based business or a home occupation or an accessory use to a residential dwelling, unless specifically permitted by this Chapter. Refer to the definition of Pet Grooming for an establishment that provides only grooming-related services for cats and dogs.

- iii. LIFE CARE COMMUNITY TO “LIFE CARE FACILITY/ SENIOR ADULT LIVING COMMUNITY”: A health care facility for the transitional residency of senior and/or disabled persons which may include a mix of single-family units and/or multi-family units, providing for a progression of residential living types, such as from independent living to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities related to daily living. A life care facility/senior living community may include a licensed adult day care program which shall comply with all applicable federal, state, and local laws, ordinances, and regulations relating to housing for the elderly. This term shall not include nursing homes, domiciliary care, personal care facilities, or group care facilities.

SECTION 2: AMENDMENTS REGARDING LIFE CARE FACILITIES/ SENIOR ADULT LIVING COMMUNITIES

That the Township Zoning Ordinance, Ordinance No. 305, as amended, is hereby further amended as follows in Article XIII, Section 1303.21 in regard to Life Care Facilities/ Senior Adult Living Communities:

- a. Amend Section 1303.21.a. to state as follows: The minimum site required in residential zoning districts is 20 acres. The minimum site required in the C-2 District is 10 acres.
- b. Amend Section 1303.21.f. to allow a density of 15 units per acre.

SECTION 3: AMENDMENTS REGARDING MOBILE FOOD VENDORS

That the Township Zoning Ordinance, Ordinance No. 305, as amended, is hereby further amended as follows in Article XIV:

- a. Add the following term to the definitions in Article II, Section 201:

- i. **MOBILE FOOD VENDOR:** A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, on public sidewalks, curbside on public streets, or on private property that is readily movable, without disassembling, for transport to another location, which operates no more than 21 days annually at one place, or operating more than 21 days annually at one place with the approval of the Board of Supervisors.
- b. Add a new Section to Article XIV, Section 1417 **MOBILE FOOD VENDORS**, and list the following supplemental regulations for these vendors within Section 1417:
 - i. Mobile Food Vendors are subject the following regulations:
 - a. Mobile Food Vendors conducting business in the Township shall have all proper and required permits from the Allegheny County Department of Health. Copies of the applicable permits and approvals issued by the County Health Department to the Mobile Food Vendor shall be turned into the Township along with a completed Township mobile food vendor registration form and pay the applicable fee as outlined in the Township's Fee Schedule, which is set at \$50 annually.
 - b. Mobile Food Vendors are permitted in C-1 and C-2 Districts but shall not park in one place for more than four (4) hours at a time, unless granted specific permission by the Township to park for a longer period of time.
 - c. Provided permission is granted from the applicable property owner, Mobile Food Vendors are also permitted in parking lots of area places of worship to support special events and fundraising efforts of said establishments.
 - d. Provided permission is granted by the applicable property owner, Mobile Food Vendors are permitted on site and in parking areas in all public buildings, public parks, and school buildings located within the Township.
 - e. Mobile Food Vendors shall be permitted to drive through residential neighborhoods so long as they file the proper paperwork with the Township. However, they cannot park anywhere within a neighborhood for more than 10 minutes, stopping only briefly for sales. If a Mobile

Food Vendor is invited to attend a community event within a residential neighborhood, they must get permission from the Township to do so.

SECTION 4: MAXIMUM BUILDING HEIGHT IN THE C-1 LIMITED COMMERCIAL ZONING DISTRICT

That the Township Zoning Ordinance, Ordinance No. 305, as amended, is hereby further amended as follows in Article VIII:

- a. Amend Area and Bulk Regulations in the C-1 District, specifically the maximum height for all principal building structures in Section 802.K. to read as follows: 2 ½ stories, but no more than 35 feet.

SECTION 5: REPEALER

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this ordinance are hereby repealed.

SECTION 6: SEVERABILITY

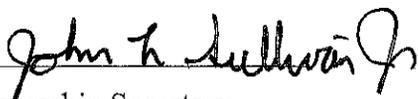
That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7: EFFECTIVE DATE

That this Ordinance shall take effect immediately upon enactment as provided by law.

ORDAINED AND ENACTED into law this 4 day of June, 2018.

ATTEST:


Township Secretary

TOWNSHIP OF OHIO

BY: 
Chairman, Board of Supervisors

BY: Jan Reed

Member, Board of Supervisors

BY: Heleyn Hart

Member, Board of Supervisors

APPROVED AS TO FORM:

Mark J. [Signature]

Township Solicitor