

ZONING ORDINANCE
WHITE HAVEN BOROUGH
Luzerne County, Pennsylvania

ADOPTED: Ordinance 3 of 2012

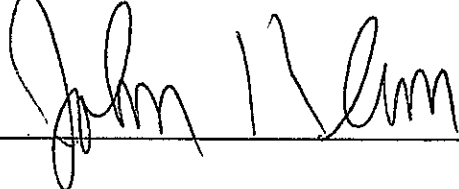
Prepared By:
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This ordinance is to be enacted, ordained, adopted and approved by White Haven Borough Council, on this 27 day of August, 2012. This Ordinance shall take effect immediately upon its adoption.

ATTEST:


SECRETARY

WHITE HAVEN BOROUGH COUNCIL:



APPROVED BY THE MAYOR THIS 27 DAY OF August, 2012


MAYOR

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ORDINANCE NO. 5 of 2013

AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE WHITE HAVEN BOROUGH ZONING ORDINANCE TO PERMIT PUBLIC USES WITHIN THE R-2 AND R-3 ZONING DISTRICTS BY RIGHT AND REDEFINING THE TERM PUBLIC USE TO INCLUDE EMERGENCY AND FIRE PROTECTION SERVICE BUILDINGS AND PERMITTING THE STORAGE AND MAINTENANCE OF EQUIPMENT, VEHICLES AND MATERIALS AS PART OF THE USE

BE IT ENACTED AND ORDAINED by White Haven Borough Council, and it is hereby enacted and ordained by the authority of the same, the following amendments to Chapter 29, ZONING, of the White Haven Borough Code of Ordinances:

Part 2
Definitions

§202. Definition of Terms. The following term shall be amended to read as follows:

“Public Uses” includes public schools, recreational uses and administrative, cultural, service and emergency and fire protection service buildings and structures including public land, buildings and structures used for storage and maintenance of equipment, vehicles and materials.

Part 4
Basic District Regulations

§404. “R-2” Residential, Two-Family.

(a) Permitted Uses. The term “Public Uses” is hereby added to the list of Permitted Uses.

(b) Special Exception Uses. The term “Public Uses” is hereby removed from the list of special exception uses subsection (3).

§405. “R-3” Residential, Multi-Family.

(a) Permitted Uses. The term “Public Uses” is hereby added to the list of Permitted Uses.

(b) Special Exception Uses. The term “Public Uses” is hereby removed from the list of special exception uses subsection (2).

NOW THEREFORE, these amendments to the White Haven Borough Zoning Ordinance are hereby enacted and become effective this 23 day of September, 2013.

ATTEST:

Inda Spoke
Manager

WHITE HAVEN BOROUGH COUNCIL:

John Blum
President

Vice-President

Joseph P. Kark
Council Member

Robert W. Fanson
Council Member

R. L. Spadley
Council Member

Timothy E. [Signature]
Council Member

Melanie Swedon
Council Member

APPROVED BY:

Heidi M. Meier
Mayor

CHAPTER 29

ZONING

Part 1

General Provisions

§101. Short Title. This Ordinance shall be known and cited as "The White Haven Borough Zoning Ordinance of 2012".

§102. Application. No building, structure or land shall be used or occupied and no building, sign or other structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance. However, this part shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance, or any amendment to this Ordinance; or to any building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment to this Ordinance, and completed within a one (1) year period after the effective date of this Ordinance, or any amendment to this Ordinance, except as to lawfully terminated non-conforming uses.

§103. Purposes. This Ordinance is enacted for the following purposes:

(a) To promote, protect and facilitate one 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 preservation of natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

(b) To prevent one 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 provide for the use of land within the Borough 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 this Ordinance shall not be deemed invalid for the failure to provide any other specified dwelling type.

(d) 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.

§104. Statement of Community Development Objectives. This Ordinance is based on the "Comprehensive Plan for the Borough of White Haven", as prepared and subsequently amended by the Planning Commission, and adopted by Borough Council. That comprehensive plan establishes the community development objectives which are adopted and made a part of this Ordinance.

§105. Interpretation and Validity.

(a) Interpretation. When interpreting the provisions of this Ordinance the following rules shall apply:

(1) In interpreting the language of the provisions of this Ordinance to determine the extent of the restriction upon the use of land, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the landowner and against any implied extension of the restriction.

(2) In the interpretation and application, the provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety, welfare and morals.

(3) Except as limited under Section 105(a) (1) above, in the event that any of the provisions of this Ordinance conflict with another provision of this Ordinance or any other local, state or federal ordinance, law statute or regulation, the most restrictive shall apply.

(4) The provisions in the White Haven Borough Subdivision and Land Development Ordinance (SALDO) concerned with varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

(5) This Ordinance does not repeal, annul, modify, or in any way impair, interfere with, or supersede any private restriction placed upon property by covenant, deed, or other private agreement. The provisions of this Ordinance shall be separate from the private restriction.

(b) Validity. The invalidity of any section or provision of this Ordinance shall not affect the validity of any other section or provision of this Ordinance.

(c) Repealer. All other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are repealed.

(d) Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be found to be unconstitutional, unlawful, ineffective, or

invalid, by any Court of competent jurisdiction such decision of the court shall not affect or impair the remaining sections or provisions of this Ordinance. It is hereby declared to be the intention of the Borough Council that this Ordinance would have been adopted if such unconstitutional, unlawful, ineffective or invalid provision had not been included therein.

(e) Procedural Defects. Any allegation that this Ordinance or any amendment thereto has been enacted in a procedurally defective manner shall be appealed as provided by state law and must be filed no more than 30 days after the intended effective date of this Ordinance or any amended thereto.

§106. Effective Date. This Ordinance shall become effective immediately upon its date of enactment as set forth in Section 107 below.

§107. Enactment. The Council of White Haven Borough, 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 the "White Haven Borough Zoning Ordinance of 2012" this ____ day of _____, 2012.

WHITE HAVEN BOROUGH COUNCIL:

ATTEST:

SECRETARY

BY: _____

PRESIDENT

MAYOR

Part 2

Definitions

§201. Rules of Ordinance Construction. Unless the context clearly provides otherwise, the following words and terms shall be interpreted as follows:

- (a) Words used in the present tense shall include the future tense.
- (b) The word “person” includes a corporation, firm, company, partnership, trust, organization, association, sole proprietorship, or individual.
- (c) The words “used” or “occupied” as applied to any land, structure or building include the words intended, arranged, or designed to be used or occupied.
- (d) The word “building” includes “part thereof” and “structure”, and the word “structure” includes “part thereof” and “building”.
- (e) The word “lot” includes “plot”, “parcel” and “property”.
- (f) The word “shall” is always mandatory, the word “must” is always a mandatory condition, and the word “may” or “should” means something is recommended or encouraged.
- (g) The singular number includes the plural, and the plural the singular.
- (h) Words imparting the masculine gender includes the feminine as well.
- (i) The word “street” includes “road”, “highway”, and “lane”.
- (j) Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within Part 2, Section 202 below.

§202. Definition of Terms. When used in this Ordinance, the following words, terms and phrases shall have the meaning indicated herein:

“Abandon” or “Abandonment” means the voluntary termination of a use or activity for a period in excess of one year or without the intent to resume the use or activity.

“Abut” or “Abutting” means a lot having a common or shared lot line with a contiguous lot, or being separated by a street, waterway, right-of-way, or easement. This term includes the words “adjacent” and “adjoining” and vice versa.

“Access” means a way of gaining access to and from a property or providing ingress, egress, and regress to a property.

“Accessory Structure” means a structure not attached to, but located on the same lot as the principal structure, which is used to serve a purpose customarily incidental to and subordinate to the use of the principal structure. Residential accessory structures include such things as sheds, garages, carports, swimming pools and non-commercial satellite antenna dishes.

“Accessory Use” means a use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or structure.

“Act 13” means Act 13 of 2012 (H.B. 1950), P.L. 87, § 1, approved February 14, 2012, 58 Pa.C.S. § 2301 et seq., which is also known as the Unconventional Gas Well Impact Fee Act, as well as any amendments thereto and regulations promulgated thereunder.

“Active Solar Energy” (Photovoltaic or Thermal) captures the sun’s energy in order to store or convert it to thermal or electric power. In active solar energy systems, there is an active and intentional collection and redirection of energy that requires external mechanical power. Photovoltaic Solar Energy is used to transform the sun’s energy to generate electricity for both grid-tied and off-grid systems. Thermal Solar Energy is used to generate heat for hot water, cooking, heating, melting, steam engines, etc.

“Active System” is a solar heating or cooling system that requires external mechanical power.

“Adult Uses” includes adult bookstores, adult entertainment, adult massage parlors, and adult movie theaters.

“Adult Bookstore” means an establishment where 10% or more of the total retail floor area is occupied by books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides, instruments, devices, or paraphernalia that has a clear emphasis on depicting or describing explicit sexual activities or specified anatomical areas.

“Adult Entertainment” means live entertainment where persons performing expose specified anatomical areas or display, simulate or carryout explicit sexual activities.

“Adult Massage Parlor” means a private or semi-private establishment where a massage is performed for some form of consideration on a person with the use of one’s hand or a mechanical device. This term does not include any type of massage therapy or treatment performed by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the state, or any accessory use to a permitted athletic or health club, educational facility, or similar establishment.

“Adult Movie Theater” means a use where persons expose specified anatomical areas or display, simulate or carryout explicit sexual activities on film, motion pictures, videos, slides, or other forms of reproducing images that have an emphasis on depicting explicit sexual activities or specified anatomical areas.

“Agricultural Use” means the use of land for agricultural purposes, including farming crops or trees, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for farm homes and packing, treating or storing the product; provided, however that the operation of any accessory uses are secondary to that of normal agricultural activities, and provided further that the use does not include commercial poultry or hog farms, fur farms, or fertilizer plants.

“Agri-tourism” means an activity or operation that is agriculturally based and brings in visitors to a farm or ranch, including buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals or staying at a B & B on a farm.

“Airport” means an area used for the landing and taking-off of motorized aircraft carrying either people or cargo, whether public or private.

“Alley” means a public or private way affording secondary means of access to abutting property.

“Alterations” includes any change, addition, extension, enlargement, replacement or movement of a building or structure.

“Ambient Noise Level” means the all encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location except for those sources related to oil and gas drilling, production, and compression, constituting the normal or existing level of environmental noise at a given location.

“Animal Cemetery” means a place where four or more animals, either agricultural or domesticated, are buried or cremated. This term includes crematories, mortuaries and mausoleums.

“Animal Hospital” means a building or structure used for the treatment of domesticated animals by a veterinarian or other medical practitioner licensed by the state, with short-term boarding incidental to the treatment.

“Animal Kennel” means a place where six or more domesticated animals are kept, housed, boarded or trained.

“Apartment Buildings or Townhouses” means a residential building or structure constructed as a single entity containing no more than six single-family residential dwelling units.

“Applicant” means a landowner, or an authorized agent of the landowner, who has filed a zoning application with the Zoning Officer.

“Assisted Living Facilities, Nursing Homes or Personal Care Homes” means a coordinated and centrally managed rental housing licensed by the state where the resident or occupant stays overnight. This use includes self-contained units designed to provide supportive services (such as meals, transportation, housekeeping, linen and organized social activities) and to accommodate relatively independent lifestyles. The term does not include adult care facilities where the person does not stay overnight and is only being cared for or supervised during daytime hours on a temporary basis.

“Associated Facility or Associated Facilities” means a land use whose principle purpose involves the distribution, processing, storage, handling, or other related and supporting activities necessary for a Special Utility, not including administrative activities or offices.

“Auto, Boat and Mobile or Manufactured Home Sales” includes the use of any building, structure or land, other than a street, for the outdoor or indoor display, sale or rental of motor vehicles, recreational vehicles, boats, motorcycles, trucks, farm equipment and machinery, trailers, mobile/modular homes or the like.

“Automotive Parts Store” means a use that involves the sale of automotive parts and accessories for installation by someone other than the seller of the automotive part or accessory.

“Automobile Repair Garage” means a place where gasoline is sold or dispensed and where repairs, installations and improvements are made to motor vehicles, motorcycles, recreational vehicles or boats. This use includes the installation of parts and accessories; the performing of mechanical repairs, bodywork, painting, welding and the rebuilding of any motor vehicle, motorcycle, recreational vehicle, boat, or trailer. The term trailer as used in this definition refers to a device used to transport, pull or haul a vehicle.

“Automobile Service Station” means a place where gasoline or other petroleum products are sold and light automotive maintenance activities are performed such as oil changes, tune-ups, tire changing and minor repairs.

“Base Flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

“Base Flood Evaluation” (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means a portion of a building that is partly or completely below grade or underground. A basement constitutes a story if the vertical distance from the average adjoining grade to the ceiling is five feet or greater.

"Bed and Breakfast" means an owner-occupied dwelling containing not more than three bed and breakfast units which are rented on a nightly basis for periods of not more than two weeks. Dining and other facilities are not to be open to the public, but to be used exclusively for the residents and registered guests. Such rooms are not to have separate utilities, provisions for cooking or dormitories for sleeping and are to be located within the principle structure.

"Board" means anybody granted jurisdiction under this Ordinance or the provisions of the Pennsylvania Municipalities Planning Code, Act 247 as amended, to render final adjudications or decisions.

"Boarding House or Rooming House" means a building or structure or any portion thereof containing residential rooming units rented or leased for a minimum of five days, with the occupants of said units being non-transient, and utilizing the location as their domicile.

"Borough" means the political subdivision or municipality of White Haven Borough, Luzerne County, Pennsylvania.

"Borough Council" means the elected officials of Borough Council, White Haven Borough, Luzerne County, Pennsylvania.

"Borough Engineer" means the professional engineer licensed in the state of Pennsylvania, and appointed by White Haven Borough Council to provide professional engineering services for the Borough.

"Borough Solicitor" means the attorney appointed by White Haven Borough Council to provide legal services for the Borough, and may include a law firm as opposed to an individual.

"Buffer Area or Buffer Yard" means a strip of land area intended to separate one use from another use, wherein no structure, building, parking area, loading space, or storage may be located.

"Building" means any roofed structure intended for shelter, housing or enclosure of persons, animals, or property.

Building, Accessory: means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

Building Area or Coverage: means the total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

Building Height: means the vertical distance of a building measured from the average elevation of the proposed finished grade within 10 feet of the structure to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

Building Width: means the horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width.

Building for purposes of an oil or gas well operation means an occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building.

“Care Facilities, Child or Adult” means a use involving the supervised care during the day time on a temporary basis for children or adults, either within a home or outside of a home, wherein the use is licensed or regulated by the state. This use does not include care of children or adults by their own relatives, or care of not more than three children or two adults in addition to children or adults who are relatives of the caregiver provided that the use is not regulated or required to be licensed by the state.

“Carport” means any roofed accessory structure opened on one or more sides and used for the storage of private and personal motor vehicles.

“Car Wash” means a place where motor vehicles are cleaned, washed or waxed either by hand or by use of a machine.

“Cellar” means any portion of a building located partly underground and having more than one-half of its height below the average adjoining grade, no portion of which is to be counted as a story for the purposes of the maximum height regulations set forth in this Ordinance.

“Cemetery” means a place where humans are buried or cremated. This term includes crematories, mortuaries and mausoleums.

“Certificate of Zoning Compliance” means an official document issued by the Zoning Officer after he or she has inspected a structure, building, sign, land or land use for which a zoning permit is required to ascertain compliance with this Ordinance. This certificate authorizes the use or occupancy of land, buildings and structures.

“Change of Use” means any use, which differs from the previous use of a building, structure or land.

“Clear Sight Triangle” means an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the “corner” so as not to interfere with traffic visibility across the corner.

“Club” means a building primarily used for non-profit social, educational, or recreational purposes. A club does not include any use where services or goods are sold primarily as a business or for a profit.

“Collector” is a device that collects solar radiation and converts it into heat.

“Collector Street” means a public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

“Commercial Use” means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

“Common Open Space” means a parcel or parcels of land, or a combination of land and water, located within a development and designed and intended for the use or enjoyment of residents of that development, exclusive of streets, off-street parking areas and areas set aside for public facilities.

“Communications Antenna” means a device used for transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation, omni-directional or whip antennas, directional and panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition does not include private residence mounted satellite dishes, or television antennas or amateur radio equipment including without limitation citizen band radio antennas.

“Communications Equipment Building” means an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

“Communications Tower” means a structure other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communication antennas.

“Communications Tower, Height” means the vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

“Community Center” means a use existing solely to provide religious, fraternal, social and recreational programs and activities to the public or a designated group of persons in a community.

“Concentrating Solar” uses mirrors to either focus sunlight on photovoltaic (PV) array or to heat water or other fluids to create steam that drives turbine generators. Concentrating solar is more complicated to build and manage, involves moving parts and is more often used in larger-scale, centralized systems at commercial energy plants that tend to serve upwards of tens of thousands of homes and businesses.

“Conditional Use” means a use conditionally permitted in a particular zoning district with approval of Borough Council in accordance with the applicable provisions of this Ordinance. The use will find classification under the heading Conditional Uses for the zoning district in which the property is located.

“Convenience Store” means any retail establishment offering for sale prepackage food products, household items, and other goods commonly associated with the same, along with the retail sales of gasoline and related fuel products.

“County Planning Commission” means the Luzerne County Planning Commission.

“Daytime” means the timeframe between 7:00 a.m. to 6:00 p.m.

“Decision” means a final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions are appealable to the Court of Common Pleas of Luzerne County and the judicial district wherein the municipality lies.

“Decommissioning” means the process of terminating operation and completely removing related buildings, structures, foundations, access roads, and equipment.

“Density” means the total number of dwelling units permitted on a lot.

“Department” in terms of an oil and gas well operation refers to the Department of Environmental Protection of the Commonwealth.

“Derrick” means any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

“Determination” means a final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the governing body; zoning hearing board ; or planning commission, only if and to the extent the planning commission is charged with final decision on preliminary or final plans

under the subdivision and land development ordinance or planned residential development provisions. Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

“Development” means any man-made improvements to land such as the construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or structure, including mining, dredging, filling, grading, paving, excavating, drilling, earth disturbance and any use of land.

“Domestic Animals or Domesticated Animals” means a dog, cat, rabbit, gerbil, lizard, parrot or other domestic animal normally or ordinarily kept in or permitted to be at large in the dwelling of its owner. This term does not include such animals such as bears, goats, wolves, wolf-dog hybrids, cows, horses, venomous snakes, hogs, or sheep.

“Drilling” means digging or boring a new well for the purpose of exploring for, developing or producing oil and/or gas, water, or any other fluid or substance into the earth.

“Drilling Equipment” means the derrick, together with all parts of an apparatus to such structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

“Drilling pad” means the area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

“Driveways” means every entrance or exit used by vehicular traffic to or from properties abutting a road. The term includes existing and proposed streets, lanes, alleys, courts and ways.

“Dwelling” means a building or structure used for residential purposes. This term does not include hotels, motels, boarding houses, rooming houses or other uses intended for transient occupancy.

“Dwelling Types” includes the following types of dwelling units:

Apartment, Townhouses or Multi-Family: means a residential building containing three or more dwelling units each accommodating one family.

Single-Family: means a residential building containing one dwelling unit to accommodate one family.

Two Family: means a residential building containing two dwelling units each accommodating one family, and entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter, or exit the building or for access to a common cellar or basement.

"Dwelling Unit" means a building or portion thereof arranged or designed so as to create an independent housekeeping establishment for occupancy by one family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein.

"Easement" means a right of use over property of another, or an interest which one has in the land of another. This right may be limited or unlimited depending on the grant. For purposes of this Ordinance, an easement should be commonly referred to as and considered a "street", for all intent and purposes.

"Emergency Responders" means the police department serving the Borough, the Pennsylvania State Police, all fire companies serving the Borough, all EMT and ambulance companies serving the Borough, and the Borough and Luzerne County Emergency Management offices.

"Environmental Acts" means all statutes enacted by the Commonwealth relating to the protection of the environment or the protection of public health, safety and welfare, that are administered and enforced by the department or by another Commonwealth agency, including an independent agency, and all Federal statutes relating to the protection of the environment, to the extent those statutes regulate oil and gas operations.

"Essential Services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electric, steam or water transmission systems, collection, communication, supply or disposal systems and their essential buildings, excluding Communications Towers and Communication Antennas, as defined in this Ordinance, and including what is commonly known as Public Utility Facilities.

"Explicit Sexual Activities" includes the fondling or erotic touching of human genitals, private parts, buttocks, anus, or breasts; simulated or actual sexual acts, such as intercourse, oral copulation, sodomy and masturbation.

"Exploration" means geologic or geophysical activities, including seismic surveys, related to the search for oil, gas or other hydrocarbons.

"Facility Owner" means the entity or entities having an equity interest in the Solar Energy System, including their respective successors and assigns.

"Family" means one or more of the following: (1) persons related by blood, marriage or adoption; (2) children placed into or receiving foster care; and (3) unrelated persons not in excess of four, who are occupying a single dwelling unit as a common housekeeping unit. A family also expressly includes numbers of unrelated persons under a Group Home provided that the home is licensed.

“Fence or Wall” means a man-made structure constructed, erected or installed as a line of demarcation or barrier made of wood, chain-link metal with vinyl or plastic inserts, vinyl, masonry, concrete or cinderblock.

“Fracking” means the process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

“Frontage” means a property line the length of which abuts a street or proposed street.

“Garage, Private” means a building or structure for the private use of the owner or occupant of a principal building situated on the same lot for the storage of motor vehicles used or owned by the owner or occupant with no commercial facilities for mechanical service or repair.

“Gas” means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

“Gas Well” means any well drilled, to be drilled, or used for the intended or actual production of natural gas or oil.

“Governing Body” means the Council of White Haven Borough, Luzerne County, Pennsylvania.

“Grid-Tied Solar System” is one in which solar power is connected to the power grid.

“Group Home” means a dwelling unit occupied by a maximum of six unrelated persons (excluding staff members) who function as a common household unit operated by a responsible individual, family or organization with a program to provide supportive living arrangements to persons with special needs due to age, infirmity, emotional, mental, developmental or physical disability or handicap. The term does not include a Treatment Center or Clinic.

“Hazardous Substances or Materials” includes any material or substance that is stored or used in quantities that may cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This term also includes the list of extremely hazardous substances set forth in 29 Code of Federal Regulations Part 355 or any successor provisions.

“Heliport” means an area, either at ground level or elevated on a structure, licensed and approved for the loading, takeoff and landing of helicopters, and including accessory facilities such as parking, waiting or stand-by areas, fueling and maintenance.

“Highway Occupancy Permit” means either a state or local permit depending on the street, which when issued authorizes access from a parcel of land onto a state highway, or Borough or county road/street. The issuing authority for a state highway is Penn Dot; a county road is Luzerne County Road and Bridge; and a Borough road is White Haven Borough.

"Historic structure" is any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

By an approved state program as determined by the Secretary of the Interior

or

Directly by the Secretary of the Interior in states without approved programs.

“Home Occupation” means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit or permitted accessory structure and which does not alter the residential characteristics of the neighborhood.

“Hospital” means a use involving the diagnosis, treatment or other medical care of humans that may include providing 24 hour emergency service; overnight care of patients; medical research and training; and rehabilitation to patients. This term does not include a medical use basically comprised of professional offices for the examination and treatment of persons as outpatients by physicians, dentists or other licensed medical specialists, as it is considered a professional office for purposes of this Ordinance.

"Hotel or Motel" means a building offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

"Hybrid Solar Energy System" is a system that uses both active and passive methods in its operation.

"Impervious Surface or Coverage" means the covering of lot area by man-made structures. Impervious surfaces include buildings, structures, parking areas, streets, sidewalks, driveways and similar vehicular and pedestrian right-of-ways.

"Industrial, Heavy" means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. This use includes asphalt plants, concrete batch plants and other industrial manufacturing uses not considered light industrial.

"Industrial, Light" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. This use includes the manufacturing, repairing and assembling of clothes, shoes, furniture and home appliances.

"Institutional Use" means a use or structure which provides medical, educational, social, health or rehabilitative services to more than eight unrelated persons on a regular basis. This term is synonymous with a Treatment Center for purposes of this Ordinance.

"Junk" any discarded or salvageable material or abandoned physical objects, including scrap metal, paper, machinery, equipment, rags, glass, appliances, furniture, rubber, motor vehicles, and any parts of motor vehicles.

"Junk Vehicle" includes any vehicle unable to move under its own power, and containing one or more physical defects or characteristics such as a broken windshield, missing or flat tires, missing body parts, body parts that are rusted or have sharp edges, exposed battery acid, leaking gasoline or fluids, and other defects, or characteristics which could threaten the public health, safety and welfare.

"Junk Yard, Automobile Dismantling Plant or Automobile Salvage Yards" the term includes the dismantling or wrecking of automobiles, motor vehicles, trailers, or parts thereof. The term also includes the storage or accumulation of any junk or of two or more motor vehicles, which are incapable of operating under their own power and from which parts have been or are to be removed for reuse or sale. The term includes automobile wrecking yards and automobile salvage yards.

"Landowner, Property Owner, or Owner" means the legal or beneficial owner or owners of land including the holder of an option or Contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he or she is authorized under the lease to exercise the rights of the landowner, or other person having a propriety or equitable interest in land.

"Leased Unit" is a building or a portion of a building or lot or a portion of a lot which is leased or rented within a subdivision or land development.

"Local Street" means a public street or road designed to provide access to abutting lots and to discourage through traffic.

"Lot" means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

"Lot Area" means the area contained within the lot lines of a lot excluding right-of-ways and permanent drainage easements.

"Lot, Corner" means a lot abutting on and at the intersection of two or more streets.

"Lot Coverage" means a percentage which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings.

"Lot Depth" means the average horizontal distance between the front and rear lot lines.

"Lot Line" means a line dividing one lot from another lot or from a street or alley.

"Lot Line, Front" means a property line the length of which abuts a street or proposed street.

"Lot Line, Rear" means a line dividing one lot from another lot or from a street or alley.

"Lot Line, Side" means any lot other than a front or rear lot line.

"Lot of Record" means any lot which exists as shown or described upon a plat or deed and recorded in the Office of the Record of Deeds of Luzerne County, Pennsylvania.

"Lot Width" means the horizontal distance between side lot lines measured along the required front yard and set back line.

"Major Energy System" means a system that is not a minor energy system such as, but not limited to a Solar Farm.

"Manufactured Home" means a structure, transportable in one or more sections, which is built upon a chassis and is designed for permanent occupancy when placed on a foundation and connected to the required utilities. The term includes mobile homes, and trailers, but does not include recreational and other similar vehicles.

"Manufactured Home Park" means a parcel, or contiguous parcels of land, which has been planned and improved for the placement of two or more manufactured homes or mobile homes.

"Medical Clinic" means a health care facility primarily devoted to the care and treatment of outpatients, but also providing health, educational, social and rehabilitative services. This use includes outpatient clinics, methadone clinics and ambulatory care clinics, but does not include a hospital, prison or group home.

"Mineral Extraction" means the removal from the surface or beneath the surface of land bulk mineral resources such as sand, gravel, topsoil, limestone, sandstone, coal, shale and iron ore using machinery. This use includes stockpiling, but not the movement of and replacement of topsoil as part of construction activities. The term does not include oil and gas.

"Minor Energy System" means a system for the production of electrical energy that (a) uses as its fuel solar power (b) is located on the power beneficiary's premises (c) is intended primarily to offset part or all of the beneficiary's requirements for electricity and (d) is secondary to the beneficiary's use of the premises for other lawful purpose(s).

"Mobile Home" means a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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. The term includes manufactured homes, and trailers, but does not include recreational and other similar vehicles.

"Municipality" means White Haven Borough, Luzerne County, Pennsylvania.

"Natural Gas" means a fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

"Natural Gas Compressor Station" means a facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field. The term includes one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

"Natural Gas Processing Plant" -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

"Net Metering" is an electricity policy for consumers who own renewable energy facilities, such as solar power, for selling electricity back to the grid.

"Night Club" means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted, including the term "cabaret". This term does not include any adult use.

"Nighttime" means the timeframe between 6:00 p.m. to 7:00 a.m.

"Nonconcentrating Solar" does not involve the use of mirrors or other means to directly focus the sun's light.

"Nonconforming Lot" means a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

"Nonconforming Structure" means a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include nonconforming signs.

"Nonconforming Use" means a use, whether of land or a structure, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

"No-impact Home Based Business" means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether

vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use.

“Normal Maintenance and Repair” includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal Repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction.

“Off Grid Solar System” means relying totally on an individual (stand alone) system of solar panels, charge controller, batteries, and inverter to generate electricity.

“Office” means a building or portion of a building, wherein services are performed involving administrative, professional, clerical or similar type operations.

“Oil” means hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA. This term is also referred to as petroleum.

“Oil and gas operation(s)” includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) Construction, installation, use, maintenance and repair of:
 - a. Oil and gas pipelines;
 - b. Natural gas compressor stations; and
 - c. Natural gas processing plants or facilities performing equivalent functions.
- (4) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3) above, to the extent that:
 - a. The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - b. The activities are authorized and permitted under the authority of a federal or commonwealth agency.

“Oil or Gas Well” means a pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal. This term shall include an “unconventional gas well.”

"Oil or Gas Well Site" means the location where facilities, structures, materials and equipment whether temporary or permanent, necessary for the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

"Operator" in the context of a Solar Energy System is the entity responsible for the day-to-day operation and maintenance of the Solar Energy System. In the context of a gas or oil well, the operator is the person designated as the well operator on the permit application or well registration.

"Outdoor recreation facility" means a public or private recreation facility, except one located on a residential lot, which includes soccer fields, basketball courts, baseball fields, golf courses, tennis courts, playgrounds, and other similar sports facilities that are used for leisure and recreation purposes.

"Owner" in the context of oil or gas operations means a person, who owns, manages, leases, controls or possesses an oil or gas well.

"Parking Space, Off-Street" means an unobstructed space or area other than a street or alley that is located completely within the property lines of one's property and permanently reserved and maintained for the parking of a motor vehicle.

"Passive Solar Energy" is used to convert sunlight into usable heat, cause air-movement for ventilation or cooling, or store heat for future use.

"Peak Watt" is the maximum rated output of a photovoltaic device, such as a solar cell or array, under standardized test conditions, usually 1000 watts per square meter (0.645 watts per square inch) of sunlight with other conditions, such as temperature specified. Typical rating conditions are 68°F (20°C), ambient air temperature, and 1 m/s (6.2 x 10⁻³ miles/sec.) wind speed.

"Permit" is a document issued by the Borough Zoning Officer authorizing the applicant to undertake certain activities.

"Permitted use" means a use which, upon submission of written zoning application and receipt of a permit issued by a zoning officer is authorized to be conducted since it is in compliance with this Ordinance.

"Permit Granting Authority" is the Zoning Hearing Board or Zoning Officer of White Haven Borough.

"Person" includes a corporation, firm, company, partnership, trust, organization, association, sole proprietorship or individual.

"Personal Services" includes any enterprise conducted for gain not classified elsewhere within this Ordinance, which primarily offers legitimate services to the general

public, such as a beauty or barbershop, beauty salon, shoe, wood carving, or watch repair and related activities.

“Photovoltaic Array” is a linked collection of photovoltaic modules, which are in turn made of multiple interconnected solar cells. The cells convert solar energy into direct current electricity via the photovoltaic effect. The power that one module can produce is seldom enough to meet requirements of a home or business, so the modules are linked together to form an array.

“Place of Worship” means a building used for religious services, including churches, synagogues, mosques, monasteries, seminaries and shrines. The term also includes accessory religious missions and other charitable events.

“Planned Residential Development” means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, with a development plan which does not correspond in lot size, bulk or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Ordinance.

“Principal Use, Structure or Building” means the main or primary use of land or structures, as distinguished from or opposed to a secondary or accessory use or structure.

“Prison” means a correctional institution for the detention of juveniles or adults. The term includes half-ways houses and similar penal institutions whether providing mandatory rehabilitation or counseling services.

“Private” means something owned, operated and supported by private persons, rather than by government, and not available for public use.

“Professional Consultant” includes professionals such as land use planners, attorneys, engineers and architects. An office of a professional consultant is a professional office.

“Public” means something owned, operated and supported by persons, the community or government for the use and benefit of the general public.

“Public Communications Transmission Tower” means a structure, owned and operated by a public utility electrical company regulated by the Pennsylvania Public Utility Commission (PUC), designed and used to support overhead electricity transmission lines.

“Public Hearing” means a formal meeting held pursuant to public notice by the Governing Body or Zoning Hearing Board, which is intended to inform and obtain public comment prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

“Public Meeting” means a forum held pursuant to public notice under the Sunshine Act.

“Public Notice” means notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

“Public Utilities” see essential services.

“Public Uses” includes public schools, recreational uses and administrative, cultural and service buildings excluding public land, buildings and structures primarily devoted to the storage and maintenance of equipment and materials.

“PV Array” is a photovoltaic array.

“Quasi-Public” means entities that operate like (and are sometimes organized as) private organizations and are run by a board of directors or similar arrangement whose members are appointed by government entities.

“Recreation” means the offering of leisure-time activities to unrelated persons.

“Recreation, Commercial” means recreational facilities operated as a business and open to the public for a fee or admission.

“Recreation, Indoor” means a building or structure used principally for recreational activities, such as a bowling alley, billiard hall, roller skating or ice skating rink or similar facilities. This term does not include outdoor recreational activities, adult uses or restaurants/taverns.

“Recreation, Outdoor” means the use of land or structures for recreational activities such as golf, amusement parks, shooting ranges, campgrounds, race tracks and similar activities.

“Recreation, Private” means recreational facilities other than commercial or public, not operated for a profit, and only open to its members and their guests. This term includes common open areas or space used for permitted accessory recreational purposes within a private development or planned residential development, wherein the use is limited to residents of the development and their guests.

“Recreation, Public” means recreational facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization, and open to the general public.

"Re-drill" means re-completion of an existing well by deepening or sidetrack operations extending more than one hundred fifty (150') feet from the existing well bore.

"Restaurant" means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or dispensable containers, and where the customer consumes these foods while seated at tables or counters located within a building. This use may include drive through facilities where permitted by this Ordinance.

"Re-working" means re-completion or re-entry of an existing well within the existing bore hole or by deepening or sidetrack operations which do not extend more than one hundred fifty (150') feet from the existing well bore, or replacement of well liners or casings.

"Right-of-Way" means an area or strip of land reserved for use as a street, railroad, public utility, private utility or other special uses.

"Road" means that portion of a road improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

"Satellite Dish Antenna, Noncommercial" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is intended to be used to transmit or receive radio or electromagnetic waves between terrestrial and orbital based uses. This term includes satellite earth stations, television reception antenna, satellite microwave antennas and the like.

"Sewer Central" means a sanitary sewage collection system, approved by the Pennsylvania Department of Environmental Protection, in which sewage is carried from a building on an individual lot by a system of pipes to a central treatment and disposal facility. This term includes a public sewer systems that are owned and operated by the municipality or municipal authority.

"Sewer On-Lot" means a sanitary sewer service, approved by the Pennsylvania Department of Environmental Protection by way of a permit issued by the Sewage Enforcement Officer, which does not meet the definition of a "Central Sewer".

"School" means any facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools. This term does not include care facilities.

"Screening" means the method by which a view of one lot from another adjacent lot is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, shrubs, trees, natural forest, berms and other features, as provided for and required in this Ordinance.

"Self-Storage Facilities" means a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers which are leased to individuals for the storage of the individual's personal property.

"Setback" means the required minimum horizontal distance between the building line and the related front, side or rear property line.

"Shopping Center" means a building or group of units within a single building, which is comprised of commercial, retail or service oriented businesses.

"Sign" means a structure or device designed or intended to advertise, identify or convey information to the public.

"Sign Area" includes the entire area within a continuous perimeter, wherein lettering, wording, numerals, designs and symbols are located, except for any structural supports that do not contain any lettering, wording, numerals, designs or symbols. Signs may contain several signs provided that they share the same structure or structural supports with the total sign area being the area of a common geometric form that could encompass all signs. The sign area for a sign either attached or painted on a wall or building is the smallest rectangle that includes all of the letters, words, numbers, designs and symbols.

"Sign Construction Types" includes the following:

Ground Sign: A sign not supported by structures or supports or upon the ground not attached or dependent for support from any building.

Wall Sign: A sign attached, painted or affixed directly to the exterior wall of a principal structure, or dependent upon a principal building for support, which does not project more than two feet from the building structure.

Projecting Sign: A sign which is affixed to a building and extends beyond the line of such building more than two feet from the building structure.

"Sign Types" includes the following:

Sign, Billboard: A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the lot where the sign is located.

Sign, Business: A sign which communicates information concerning a business, profession, commodity, service, entertainment or development

which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.

Sign, Construction: A temporary sign erected on property where construction is taking place, indicating the name of the person performing the construction, architectural, engineering, or inspection activities or services.

Sign, Directional or Informational: A sign containing no advertising material and limited to information and directions necessary for visitors entering or exiting a property, including signs marking entrances and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas.

Signs, Event: A temporary sign advertising public or private not-for profit events such as picnics, carnivals, bazaars, game nights, arts and crafts and similar types of funding raising events.

Sign, Institutional: A sign which identifies a use pertaining to a school, church, hospital, governmental service or other institution of a similar public or semi-public nature.

Sign, Name Plate/Identification: A sign which communicates the name address of an occupant or a permitted home occupation upon the lot on which the sign is located.

Signs, Political: A temporary sign identifying one or more candidates running for a public office, which describes the office for which he or she is running, the party or the issues.

Sign, Real Estate: A temporary sign which advertises the sale, rental or development of the premises upon which the sign is located.

Signs, Shopping Center: A group of not less than five contiguous and different non-residential uses originally planned and developed as a single unit having a total floor area of not less than 20,000 square feet.

“Social Hall” means a building or portion thereof used for social gatherings, which is usually operated by a nonprofit or civic organization or association.

“Solar Access” refers to a building’s ability to receive the benefits of the sun’s rays without obstruction from neighboring buildings, structures, plants, and trees.

“Solar Array” is a ground mounted solar collection system consisting of a linked series of photovoltaic modules.

"Solar Collection System" is a panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

"Solar Easement" is an easement of direct sunlight which may be acquired over the land of another by express grant or covenant.

"Solar Energy" means radiant energy (direct, diffuse, and reflected) received from the sun.

"Solar Energy Device" (active and passive) Solar energy device means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource.

"Solar Energy System" means any solar collector or other solar energy device or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

"Solar Farm or Farms" means a facility or area of land principally used to convert solar radiation to electricity. The term does not include devices or combinations of devices which rely upon direct sunlight as an energy source for a minor energy system.

"Solar Radiation (Solar Energy)" is electromagnetic radiation emitted by the sun.

"Solar Site Orientation" refers to situating a building to optimize exposure to the winter sun for passive heating and lighting, while reducing this exposure to the summer sun to minimize overheating.

"Solar Trees" are arrays that, as the name implies, mimic the look of trees, provide shade, and at night can function as street lights.

"Solar Water Heating" refers to using the sun directly to heat water in homes and swimming pools.

"Solid Waste Facilities" means any facility operated under the laws of the Commonwealth of Pennsylvania governing the management, processing, incinerating, treatment, storage, transfer or disposal of solid waste. Solid waste includes garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities,

excluding hazardous substances, material and waste. This term includes Solid Waste Landfills, Solid Waste Transfer Facilities, and Solid Waste Energy Facilities.

“Special Exception” means a use only permitted in a particular zoning district by approval of the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance. The use will find classification under the heading Special Exception Uses for the zoning district in which the property is located.

“Special Utility or Special Utilities” means electrical transmission lines exceeding one-hundred fifteen thousand volts or electrical substations.

“Specified Anatomical Areas” includes less than completely and opaquely covered human genitals, private parts, buttocks, anus, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Stand-Alone Wind Mill” means not more than one (1) wind mill constructed primarily for residential, agricultural or for a single commercial or industrial building used to generate electricity for a principal structure for which it is intended to be accessory.

“Storage, Contractor” includes any lot or structure, or part thereof, used to store materials used by a contractor in a construction trade such as the building, construction or installation of a street, or structure. This term includes construction contractors, excavators, paving contractors, landscapers, and other similar construction trades.

“Storage, Outdoor” includes the placing, storing or keeping, in an unroofed and unenclosed area, goods, materials, merchandise, equipment or vehicles which are related to the operation of a commercial use, excluding the storage of solid waste, hazardous substances, refuse, junk and junked vehicles.

“Story” means 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, the space between such floor and the ceiling above. A basement shall be counted as a story if the ceiling equals or exceeds five feet of the finished ground surface adjoining the exterior walls of such story.

“Street” includes any right-of-way, avenue, boulevard, road, highway, alley, freeway, land, viaduct and any other ways used or intended to be used by vehicular or pedestrian traffic whether public or private or dedicated or undedicated.

“Structural Alterations” includes any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

“Structure” means any man-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land.

"Tavern" means an establishment licensed to sell alcoholic beverages to be consumed on the premises. The primary business is the sale of alcoholic beverages, and the use may include the secondary sale of prepared food items. The term also includes a bar.

"Temporary" means for the purpose of this Ordinance, a continuous period of time not to exceed six (6) months.

"Trucking Facility" means the use of a structure, building or land, which consists of a storage area, management and dispatch office, and loading and unloading facilities connected with receipt or delivery of freight shipped by truck.

"Truck Service Center, Repair and Storage" means a use that primarily involves providing fuel and repairs to tractor-trailers, including incidental storage of tractor-trailers.

"Unconventional formation" -- A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

"Unconventional gas well" -- A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

"Utility Corridor means a lineal transportation route utilized by one or more Special Utilities.

"Variance" means a waiver or modification of this Ordinance that may only be granted by the Zoning Hearing Board.

"Warehouse and Distribution" means one or more buildings or structures used primarily for storage, transfer and distribution of products, goods and materials. This term does not include trucking facilities.

"Water, Central" means a public or privately owned system, under the jurisdiction of the Pennsylvania Public Utility Commission, designed to transmit potable water from a common source to users, and in compliance with the governing standards of all applicable State agencies. Any water supply system not deemed central water is deemed to be an on-site water supply system.

See
Ordinance
11/15/18
Vacation
Home
Definition

“Well, Oil or Gas” means a hole or holes, bore or bores, to any horizon, formation, or strata used for the purpose of producing oil, gas, liquid hydrocarbon, brine water, or sulphur water, or used as an injection well for secondary recovery, disposal or production of oil, gas, or other hydrocarbons from the earth.

“Well Pad” means the area of surface operations immediately surrounding the surface location of a well or wells. Such area shall not include an access road to the well pad and shall not include the entirety of an oil or gas well site.

“Well, Storage” means a well that is used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

“Wetlands” means those areas that are inundated or saturated by the surface or ground water at frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes wetland areas listed in the State Water Plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission.

“Wind Farm” means a facility where two or more wind mills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. This definition shall not include a stand-alone wind mill.

“Wind Mill” includes a machine that operates on the energy generated by a series of blades or slates rotated by the wind, or a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. When used in the context of this Ordinance, Wind Mills shall include both a Stand-Alone Wind Mill and Wind Farm.

“Wind Mill Height” means the vertical distance measured from the surface of the tower foundation at grade to the highest point of the structure, including blades. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

“Yard” means a prescribed open and unobstructed space or area on a lot that is located between a building or structure and the nearest lot line. A yard is also referred to as a setback.

Yard, Front: means a space or area extending the full width of the lot between a principal or accessory building or structure and the front lot line

and measured perpendicular to the building or structure at the closest point to the front lot line. This area is bounded by the street line, front setback line and side property lines.

Yard, Rear: means a space or area extending the full width of the lot between the structure or building and the rear lot line and measured perpendicular to the building or structure at the closest point to the rear lot line. This area is bounded by the rear property line, rear setback line and side lot lines.

Yard, Sides: means a space or area extending from the front yard to the rear yard between a building or structure and the side lot line measured perpendicular from the side lot line to the closest point of the building or structure. This area is bounded by side property lines, and side, front and rear setback lines.

“Zoning District” means those portions of White Haven Borough depicted upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

“Zoning Hearing Board” means the White Haven Borough Zoning Hearing Board of Luzerne County, Pennsylvania.

“Zoning Map” means the map containing the zoning districts of White Haven Borough, Luzerne County, Pennsylvania. This map is also referred to as the Official Zoning Map of White Haven Borough.

“Zoning Officer” means the person appointed by the White Haven Borough Board of Council to administer and enforce the provisions of the White Haven Borough Zoning Ordinance, and any amendments thereto.

Part 3
Establishments of Zoning Districts

§301. Zoning District Classifications. For the purposes of this Ordinance, the Borough is hereby divided into the following zoning districts:

- (a) “R-1” Residential, Single-Family
- (b) “R-2” Residential, Two-Family
- (c) “R-3” Residential, Multi-Family
- (d) “C-1” Commercial, Neighborhood
- (e) “C-2” Commercial, Downtown
- (f) “C-3” Commercial, General
- (g) “I-1” Industrial, Light
- (h) “I-2” Industrial, Heavy
- (i) “O-1” Open Space

§302. Zoning Map. The boundaries of the zoning districts listed in Section 301 above are delineated on the official “White Haven Borough Zoning Map”, which together with all explanatory matter thereon, is hereby made a part of this Ordinance by reference thereto, together with all future notations, references and amendments.

§303. Interpretation of Zoning District Boundaries. If uncertainty exists as to the boundary of any zoning district shown on the White Haven Borough Zoning Map, the Zoning Hearing Board shall determine the location of such boundary according to the following guidelines:

(a) Zoning district boundary lines are intended to follow or parallel the center line of streets, streams and railroads; and lot or property lines as they exist on a recorded deed or plan in the Luzerne County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Zoning Map.

(b) Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines and does not scale more than 10 feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

(c) If after applying the guidelines set forth above uncertainty still exists as to

the boundary of any zoning district, the Zoning Officer shall determine the location of such boundary with the use of a survey of the property or area of land in question prepared by a registered surveyor the cost of which is to be paid by the person who is questioning or contesting the boundary location.

§ 304. Lots Divided by Zoning District Boundaries. If a zoning district boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing 75% or more of the lot area in a particular zoning district, the location of such district boundary line may be construed to include the remaining 25% or less of the lot so divided.

ORDINANCE NO. 2 OF 2016
AMENDING THE WHITE HAVEN BOROUGH ZONING ORDINANCE

AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 29, ZONING, AS FOLLOWS:

White Haven Borough Council does hereby amend Section 401 of the Zoning Ordinance to read as follows:

§401. Zoning District Dimensional Regulations.

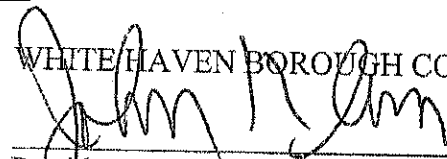
(d) Properties that front on Main Street in the C-2 Zoning District may have a 0' front yard setback.

NOW THEREFORE, this amendment to the White Haven Borough Zoning Ordinance shall become effective this 25 day of April, 2016.

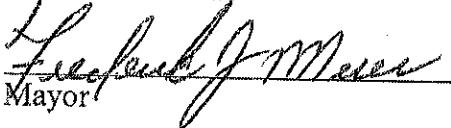
ATTEST:


Manager

WHITE HAVEN BOROUGH COUNCIL:


President

APPROVED BY:


Mayor

Part 4
Basic District Regulations

§401. Zoning District Dimensional Regulations. Except as otherwise provided in this Ordinance or by state or local law or regulation, each building, structure and use shall be governed by the dimensional regulations listed in the following table:

Regulation By District	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	O-1
Front Yard	30 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	15 ft.	25 ft.	35 ft.
Rear Yard	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	30 ft.
Each Side Yard	(a)	(a)	(a)	8 ft.	4 ft.	8 ft.	(a)	15 ft.	15 ft.
Minimum Lot Size	10,000 (b)	6,000(b)	8,000 (b)	5,000 (b)	6,000 (b)	5,000 (b)	5,000 (b)	10,000 (b)	20,000(b)
Width	80 ft.	50 ft.	70 ft.	30 ft.	40 ft.	40 ft.	40 ft.	40 ft.	110 ft.
Depth	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	150 ft.
Maximum Height	2.5 stories or 35 ft.(c)	2.5 stories or 35 ft.(c)	2.5 stories or 35 ft.(c)	2.5 stories or 35 ft.(c)	2.5 stories or 35 ft.(c)	3 stories or 40 ft.(c)	4 stories or 60 ft.(c)	4 stories or 60 ft.(c)	2.5 stories or 35 ft.(c)
Maximum Percentage of Impervious Coverage	30%	40%	40%	40%	80%	45%	60%	50%	20%

- (a) Each side yard shall be ten (10) percent of the width of the property; however, in no event shall a side yard be less than five (5) feet.
- (b) Minimum Lot Size for lots not serviced by public sewer is 21,780 square feet for R-1, R-2, R-3, C-1, C-2, C-3 and O-1; and 43,560 square feet for I-1 and I-2. Minimum lot size is in square feet.
- (c) Maximum building height shall be the number of stories or feet, whichever is less.

§402. Permitted Uses, Special Exception Uses and Conditional Uses.

(a) **Permitted Uses.** A use indicated or listed under any of the zoning districts or zoning overlay districts as a "Permitted Use" is a use permitted by right within that zoning district, thereby not necessitating Zoning Hearing Board approval, but only a determination by the Zoning Officer, and the issuance of a zoning permit.

(b) **Special Exception Uses.** A use indicated or listed under any of the zoning or overlay districts as a "Special Exception Use" is a use for which the Zoning Hearing Board decides whether to permit or deny in accordance with this Ordinance and the Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval.

(c) Conditional Uses. A use indicated or listed under any of the zoning or overlay districts as a "Conditional Use" is a use for which Borough Council decides whether to permit or deny in accordance with this Ordinance and the Zoning Officer has no discretion to approve any permit where the use is classified as requiring conditional use approval.

§403. "R-1" Residential, Single-Family.

(a) Permitted Uses.

1. Single-family dwelling units
2. No-impact home based businesses
3. Public utilities or essential services (excluding storage yards and Buildings)
4. Customary accessory uses

(b) Special Exception Uses.

1. Two-family dwelling units
2. Home occupations
3. Public uses
4. Recreation, public
5. Care facilities (child and adult)
6. Places of worship
7. Bed and Breakfast
8. Customary accessory uses

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

§404. "R-2" Residential, Two-Family.

(a) Permitted Uses.

1. Single-family dwelling units
2. Two-family dwelling units
3. No-impact home based businesses
4. Public utilities or essential services (excluding storage yards and buildings)
5. Customary accessory uses

(b) Special Exception Uses.

1. Multi-family dwelling units (including apartments and townhouses)

2. Home occupations
3. Public uses
4. Recreation, public
5. Care facilities (child and adult)
6. Places of worship
7. Private nonprofit social halls, clubs, or lodges
8. Group homes
9. Bed and Breakfast
10. Customary accessory uses

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

§405. "R-3" Residential, Multi-Family.

(a) Permitted Uses.

1. Single-family dwelling units
2. Two-family dwelling units
3. Multi-family dwelling units (including apartments and townhouses)
4. No-impact home based businesses
5. Public utilities or essential services (excluding storage yards and buildings)
6. Customary accessory uses

(b) Special Exception Uses.

1. Home occupations
2. Public uses
3. Recreation, public
4. Care facilities (child and adult)
5. Places of worship
6. Private nonprofit social halls, clubs, or lodges
7. Group homes
8. Bed and Breakfast
9. Customary accessory uses

*(10) Vacation Home
Rental Ordinance
1 of 2018*

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

§406. "C-1" Commercial, Neighborhood.

(a) Permitted Uses.

ORDINANCE NO. 3 of 2015

AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE WHITE HAVEN BOROUGH ZONING ORDINANCE, CHAPTER 29 OF THE CODE OF ORDINANCES, PART 4, SECTION 407(a) TO ADD SINGLE-FAMILY DWELLING UNITS ABOVE A BUSINESS AS A PERMITTED USE AND PART 4, SECTION 407(b) TO DELETE SINGLE-FAMILY DWELLING UNITS ACCESSORY TO A BUSINESS FROM SPECIAL EXCEPTION USES.

White Haven Borough Council does hereby amend Chapter 29, ZONING, of the White Haven Borough Code of Ordinances, Section 407(a) to read as follows:

§407, entitled "C-2" Commercial, Downtown, subsection (a) Permitted Uses, is hereby amended to read as follows:

3. Residential Uses:

Single-family dwelling units above a business

§407, entitled "C-2" Commercial, Downtown, subsection (b) Special Exception Uses, is hereby amended to delete the following:

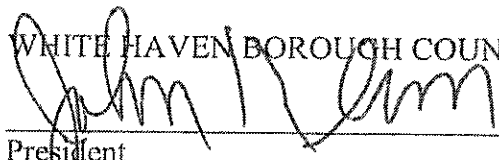
3. Single-family dwelling units accessory to a business

Except as amended above, the remaining sections of the Zoning Ordinance shall remain the same.

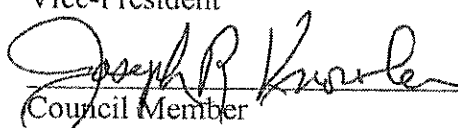
NOW THEREFORE, this amendment to the White Haven Borough Zoning Ordinance is hereby enacted and becomes effective this 27 day of July, 2015.

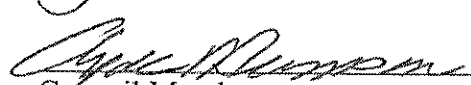
ATTEST


Manager

WHITE HAVEN BOROUGH COUNCIL:

President

Vice-President


Council Member


Council Member

Council Member

Council Member

APPROVED BY:

Mayor

1. All local or service businesses listed in §407(a)
2. Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products which is clearly incidental to a permitted retail or service business and where goods so produced or processed are to be sold exclusively on the premises
3. Building and plumbing supply stores
4. Gas or oil service stations
5. Customary accessory uses

(b) Special Exception Uses.

1. All local or service businesses listed in §407(b)
2. Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products which is clearly incidental to a retail or service business permitted by special exception and where goods so produced or processed are to be sold exclusively on the premises
3. Drive-in and drive-thru businesses and restaurants
4. Public Utility Buildings
5. Customary accessory uses

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

§407. "C-2" Commercial, Downtown.

(a) Permitted Uses.

1. Retail business establishments:

Agricultural products
 Artist, music, hobby supplies and crafts
 Automotive parts store
 Beverage package store
 Building or plumbing supplies
 Convenience stores (without gasoline)
 Dry goods and variety stores
 Food and drugs
 Garden Supplies
 Hardware and paint
 Household goods and appliance stores
 Newspapers, books and stationery
 Office furniture, equipment and supplies
 Pets and pet supplies
 Photo supplies

Specialty and gift items
Sporting goods

2. Customer service establishments:

Appliance repair shops
Banks, credit unions and similar financial uses
Bus and taxi passenger stations
Dry cleaning and laundry
Funeral homes
Night Club (excluding adult uses)
Personal services
Professional consultants, general and commercial offices
Public uses
Public utility facilities and essential services (excluding storage yards)
Restaurants (excluding drive-in or drive-thru)
Taverns

(b) Special Exception Uses.

1. Medical, chiropractor, dental and similar offices
2. Schools (private)
3. Single-family dwelling units accessory to a business
4. Customary Accessory Uses

§408. "C-3" Commercial, General.

(a) Permitted Uses.

1. Retail business establishments:

Agricultural products
Artist, music, hobby supplies and crafts
Automotive, boat and manufactured/mobile home sales
Automotive parts store
Beverage package store
Building or plumbing supplies
Dry goods and variety stores
Food and drugs
Garden Supplies
Hardware and paint
Household goods and appliance stores
Newspapers, books and stationery
Office furniture, equipment and supplies
Pets and pet supplies
Photo supplies

Specialty and gift items
Sporting goods

2. Customer service establishments:

Appliance repair shops
Assisted living facilities
Automotive repair garage and sales
Banks, credit unions and similar financial uses
Bus and taxi passenger stations
Car wash
Care facilities
Forestry and timber harvesting
Funeral homes
Gasoline service stations
Gymnasiums and physical health salons
Health clubs and spas
Hotels and motels
Personal services
Professional consultants, general and commercial offices
Public uses
Public utility facilities and essential services (excluding storage yards)
Restaurants
Taverns

3. Recreation and entertainment establishments:

Commercial Indoor Recreational Facilities
Nonprofit Social Halls, Clubs and Community Centers
Recreational Facilities, Private
Recreational Facilities, Public

4. Dwelling units attached to a business

5. Customary accessory uses

(b) Special Exception Uses.

1. Animal Hospitals/Kennels
2. Boarding or rooming houses and single family dwelling unit
3. Cemeteries
4. Communications towers
5. Convenience stores
6. Contractor's yard and shops
7. Dry cleaners and laundry
8. Gasoline Service Stations
9. Hospitals

10. Medical, chiropractor, dental and similar offices
11. Storage, Outdoor
12. Self-storage facilities
13. Customary accessory uses
14. Night Club (excluding adult uses)
15. School

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

§409. "I-1" Industrial, Light.

(a) Permitted Uses.

1. Automotive repair garages
2. Automotive sales
3. Print shops
4. Equipment sales and repairs
5. Industry, light
6. Lumberyards, forestry and timber harvesting
7. Contractors' storage yards, shops, store fronts and offices
8. Storage, Outdoor
9. Warehouse and distribution facilities
10. Self-storage facilities
11. Public utility facilities
12. Public uses
13. Gasoline service stations and tire re-treading and recapping
14. Building and plumbing supplies
15. Oil service stations
16. Customary accessory uses

(b) Special Exception Uses.

1. Communications towers
2. Trucking facilities
3. Research and testing facilities
4. Stone and monument works
5. Outdoor Recreation – Private, commercial or public
6. Customary accessory uses

(c) Conditional Uses.

1. Stand-Alone Wind Mill or Minor Solar Energy System/Device

ORDINANCE NO. 2 OF 2014
AMENDING THE WHITE HAVEN BOROUGH ZONING ORDINANCE
NO. 3 OF 2012

**AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 29, ZONING, AS FOLLOWS:**

BE IT ENACTED AND ORDAINED by the White Haven Borough Council, and it is hereby enacted and ordained by the authority of the same, amendments as follows:

§410. "I-2" Industrial, Heavy.

(a) Permitted Uses. The following uses are hereby deleted:

15. Processing Plants
16. Compressor Stations
17. Oil and Gas Operations and Impoundments

(c) Conditional Uses. The following uses are hereby added and renumbered:

4. Processing Plants
5. Compressor Stations
6. Oil and Gas Operations and Impoundments
7. Any other use not provided for in this Ordinance.

§411. "O-1" Open Space.

(c) Conditional Uses. The following uses are hereby added:

3. Oil and Gas Wells and Impoundment Areas

§824. Oil and Gas Operations. The following subsections are hereby amended:

(a) Zoning Classifications. This subsection is hereby changed to read as follows:

(a) Zoning Classifications. Subject to the provisions of this Ordinance, and in order to allow for the reasonable development of oil and gas resources, the following zoning classifications shall apply:

1. Well and pipeline assessment operations -- Well and pipeline assessment operations, including seismic operations and related activities, shall be a permitted use in the O-1 Zoning District, provided that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

2. Oil or gas wells and oil or gas well sites – Oil or gas wells and oil or gas well sites shall be permitted by conditional use within the O-1 Zoning District. In addition to the standards for a conditional use, the well site must also be placed so that the wellhead is at least 500 feet from any existing building.

3. Impoundment areas – Impoundment areas used for oil and gas operations shall also be permitted as a conditional use within the O-1 Zoning District. In addition to the standards for a conditional use, the edge of the impoundment area shall not be closer than 300 feet from an existing building.

4. Natural gas compressor stations – i. Conditional use – Natural gas compressor stations shall be permitted by conditional use within Open Space (O-1) and Industrial (I-2) Zoning Districts, provided that the natural gas compressor stations satisfy the distance and noise restrictions of this Section. ii. Distance and noise restrictions – In order to be eligible for approval as a conditional use, natural gas compressor stations must be located 750 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater; and operate in such a manner that the noise level generated by the natural gas compressor station does not exceed a noise standard of 55dbA at the nearest property line or the applicable standard imposed by federal law, whichever is less.

5. Natural gas processing plants - i. Permitted use – Natural gas processing plants shall be permitted by conditional use only within Industrial (I-2) Zoning District, and provided that the natural gas processing plants satisfy the distance and noise restrictions set forth in this Section. ii. Distance and noise restrictions – In order to be eligible for approval as a conditional use, natural gas processing plants must be located 750 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater; and operate in such a manner that the noise level generated by the natural gas processing plant does not exceed a noise standard of 55dbA at the nearest property line or the applicable standard imposed by federal law, whichever is less.

(b) Applicability. This subsection is changed to read as follows:

(b) Applicability. This Ordinance applies to all oil and gas operations, including, but not limited to, well and pipeline assessment operations, oil or gas well sites, impoundment areas used exclusively for oil and gas operations, natural gas compressor stations and natural gas processing plants that will be permitted or constructed after the effective date of the Ordinance.

(f) Design Standards. The following subsection is changed:

5. Setbacks.

a. The following setbacks shall apply:

1. Front yard depth –350 feet

2. Side yard depth -150 feet on each side except when the property line is a railroad spur used to service the building(s) on the property.

3. Rear yard depth -250 feet except when the property line is a railroad spur used to service the building(s) on the property.

- b. Between oil and gas operations and a Residential Zoning District and/or residential/recreational use or any non-commercial or industrial use or Open Space Zoning District: 500 feet

NOW THEREFORE, these amendments to the White Haven Borough Zoning Ordinance are hereby enacted and become effective this 28th day of April, 2014.

ATTEST:

Manager

WHITE HAVEN BOROUGH COUNCIL:

President

APPROVED BY:

Mayor

§410. "I-2" Industrial, Heavy.

(a) Permitted Uses.

1. Automotive repair garages
2. Automotive sales
3. Print shops
4. Equipment sales and repairs
5. Industry, light
6. Lumberyards
7. Contractors' storage yards, shops, store fronts and offices
8. Storage, outdoor
9. Warehouse and distribution facilities
10. Self-storage facilities
11. Public utility facilities
12. Public uses
13. Gasoline service stations and tire re-treading and recapping
14. Forestry and timber harvesting
15. Processing Plants
16. Compressor Stations
17. Oil and Gas Operations and Impoundments
18. Customary accessory uses

(b) Special Exception Uses.

1. Bulk Fuel Storage
2. Communications towers
3. Staging areas
4. Transfer stations
5. Automotive wrecking yards
6. Junk yards
7. Industry, heavy
8. Sewage treatment facilities
9. Trucking facilities
10. Adult uses
11. Research and testing facilities
12. Stone and monument works
13. Outdoor Recreation – Private, commercial or public
14. Prisons
15. Medical clinics
16. Customary accessory uses

(c) Conditional Uses.

1. Mineral Extraction
2. Solid Waste Facilities

3. Stand-Alone Wind Mill or Minor Solar Energy System/Device
4. Any other use not provided for in this Ordinance.

§411. "O-1" Open Space.

(a) Permitted Uses.

1. Agricultural uses excluding animal husbandry
2. No-impact home based businesses
3. Forestry and timber harvesting including all tree farming
4. Greenhouses and nurseries
5. State game lands and state parks
6. Single-family dwellings units (including mobile homes on permanent foundations)
7. Two-family dwelling units
8. Social halls, hunting clubs and lodges
9. Public utility or essential services (excluding storage yards)
10. Planned Residential Developments
11. Customary accessory uses

(b) Special Exception Uses.

1. Agricultural uses including agri-tourism and animal husbandry
2. Bed and breakfast
3. Home occupations
4. Storage, Outdoor
5. Communication towers
6. Cemeteries
7. Group homes
8. Recreation, public or private/indoor or outdoor
9. Commercial indoor recreation
10. Animal kennels and hospitals
11. Care facilities
12. Communications towers
13. Fish Hatcheries
14. Manufactured mobile home parks
15. School (public or private)
16. Customary Accessory Uses

17. Vacation Home Rental
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(c) Conditional Uses.

1. Water Withdrawal
2. Wind Farm or Major Solar Energy System/Devices

Part 5
Nonconforming Lots, Uses and Structures

§501. Nonconforming Lots of Record.

(a) Lots of Record. A structure may be built on a lot of record existing as of the effective date of this Ordinance even though the lot does not meet the minimum requirements for lot area or lot width as established for the zoning district in which the lot is located provided that the structure conforms to all other dimensional requirements for that zoning district including the minimum front, side and rear yard setbacks.

(b) Contiguous Lots of Record. If two or more contiguous lots of record in single ownership exist as of the effective date of this Ordinance and those lots do not meet the required minimum lot area or lot width, then the lots shall be considered to be an undivided parcel and no portion of that parcel shall be used or sold in a manner which further diminishes compliance with the dimensional requirements of the zoning district in which such parcel is located.

§502. Continuation of Nonconformities. Except as otherwise provided in this Ordinance, any lawful, or prior approved, nonconforming use, structure or lot which fails to conform to the requirements of this Ordinance shall be permitted to continue.

§503. Change of Nonconforming Uses. Upon application for a special exception, the Zoning Hearing Board may approve the change from one nonconforming use to another nonconforming use provided that all of the following provisions are met:

- (a) No structural alterations are made.
- (b) The proposed use is less objectionable than the existing nonconforming use.
- (c) The proposed use is more compatible with the character of the neighborhood than the existing nonconforming use.
- (d) There is no increase in vehicular and pedestrian traffic and the proposed use will not cause any traffic problems, hazards, or congestion.
- (e) There is no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, lighting or electrical disturbances.
- (f) There will be no increase threat to the public health, safety, welfare or morals.
- (g) There will be no further depreciation in market value to other properties in the neighborhood.

(h) There is no public danger by the use of hazardous substances or explosive materials.

(i) There is no outdoor storage unless the existing nonconforming use had outdoor storage and only then will outdoor storage be permitted provided that the outdoor storage is not hazardous, entirely enclosed, and located in the rear yard.

(j) The general, specific and supplemental criteria for the granting of a special exception have been met.

(k) The nonconforming use shall not be changed to a nonconforming adult use.

(l) The hours of operation of the proposed use are not greater than the hours of operation of the existing nonconforming use.

§504. Enlargement or Expansion of Nonconforming Uses and Structures. Upon application for a special exception, the Zoning Hearing Board may approve the expansion or enlargement of a nonconforming use or structure provided that all of the following provisions are met:

(a) The expansion or enlargement must be confined to the lot on which it is located at the effective date of this Ordinance. No expansion or enlargement to an adjoining lot shall be permitted, even if such lot was in the same ownership at the effective date of this Ordinance.

(b) The enlargement will not replace a conforming use.

(c) The nonconforming structure or use, after enlargement, shall comply with all of the bulk, dimensional, parking and loading requirements applicable to the zoning district in which the structure or use is located.

(d) The total of all such enlargements or expansions shall not exceed an additional 35% of the floor area or land area as it existed at the time the structure or use first became nonconforming.

(e) The expansion may not create any new dimensional nonconformities or further increase existing dimensional nonconformities.

(f) The appearance of the structure must be harmonious with the neighborhood. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements, and open spaces.

(g) Buffers and screens consisting of fences, walls, plantings or open space

shall be provided as may be necessary to adequately obstruct the view of neighboring properties.

(h) The general, specific and supplemental criteria for the granting of a special exception have been met.

§505. Restoration of Nonconforming Uses and Structures. If any nonconforming use or structure is destroyed by reason of windstorm, fire, explosion or other similar act, or by any act of God or public enemy, then such structure may be rebuilt, restored, repaired or reused even though not in conformity with the provisions of this Ordinance.

§506. Abandonment.

(a) A nonconforming use shall be terminated and not permitted to resume if that nonconforming use is abandoned.

(b) A nonconforming use shall be considered abandoned when there occurs an intent by the owner of the nonconforming use to abandon that use, or cessation of the use or activity has been shown by an overt act, apparent act, or failure to act on the part of the user or owner of the nonconforming use for a period in excess of 18 months measured from the date of cessation or discontinuance. The use shall not thereafter be reinstated and the structure, if any, shall not be reoccupied or used except in conformity with this Ordinance.

(c) A user and owner of a nonconformity shall file a written request with the Zoning Officer to discontinue a nonconformity for a period of more than 18 months whenever the user and owner of the nonconformity intends on resuming the nonconformity sometime after that 18 month period. The request shall include the reasons for discontinuing the nonconformity and the anticipated date that such nonconformity will resume. The nonconformity shall be deemed abandoned for a failure to file such a written request with the Zoning Officer.

§507. Reversion. No nonconformity shall, if once changed to conform to this Ordinance or changed to another nonconformity, be changed back again to a nonconformity or the previous nonconformity.

§508. Change of Ownership. The ownership property classified as nonconforming may be transferred without affecting the right to continue that nonconforming use provided that the nonconforming use was not changed or abandoned under §503 or §506 of this Ordinance.

§509. Registration of Nonconforming Uses, Structures and Lots.

(a) The Zoning Officer shall prepare and maintain an accurate list of all nonconformities. A copy of the list shall be given to the Zoning Hearing Board and Planning Commission.

(b) The Zoning Officer or the property owner may initiate the process of registering a nonconformity.

(c) The Zoning Officer shall issue a Certificate of Nonconformity where the Zoning Officer finds through credible and reliable evidence that the nonconformity, although not in compliance with all applicable requirements of the zoning district in which the property is located, is lawful.

(d) All forms for the issuance of a Certificate of Nonconformity shall be supplied by the Zoning Officer, and any documents relied upon by the Zoning Officer in issuing the Certificate of Nonconformity shall be attached to the Certificate.

(e) The fee for registering the Nonconformity shall be established by resolution of Borough Council.

Part 6
General Regulations

§601. Attached Accessory Structures. Accessory structures which are attached to a principal structure shall be considered a part of the principal structure and shall comply with the same dimensional requirements including such things as minimum front, side and rear yard setbacks, lot coverage and other lot requirements applicable to the principal structure.

§602. Unattached Accessory Structures.

(a) Non-Residential. When the principal use or structure is nonresidential, an unattached accessory structure shall comply with the front yard setback and side yard setback requirements applicable to the principal structure or use for the zoning district in which it is located and shall not be less than ten (10) feet from any rear yard lot line.

(b) Residential. When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:

(1) Maximum Height - One and one-half (1 ½) stories or fifteen (15) feet in height.

(2) Distance from Side Lot Line - Not less than five (5) feet from the side lot line.

(3) Distance from Rear Lot Line - Not less than five (5) feet from the rear lot line.

(4) Distance from Principal Structure - Not less than ten (10) feet from a principal structure.

§603. Residential Units for Care of Relatives. The use of a separate residential dwelling unit within or attached to a single-family dwelling unit may not be considered a second principal use, but shall constitute a permitted accessory use provided that all of the following criteria are met:

(a) Not more than two persons may occupy the separate accessory residential dwelling unit who must be relatives of the persons occupying the principal residential dwelling unit.

(b) At least one of the residents of the separate accessory residential dwelling unit must need accommodations because of illness, infirmity, age or disability.

(c) The separate accessory residential dwelling unit must be designed and

constructed so that it may be reconverted into part of the principal residential dwelling unit within six (6) months of the relatives no longer residing within the unit. This shall be a condition of any permit issued by the Zoning Officer.

(d) The separate accessory residential dwelling unit shall be attached to the principal residential dwelling unit in such a way as not to detract from the residential characteristics of the neighborhood.

(e) One additional off-street parking space shall be required for the separate accessory residential dwelling unit unless the applicant can prove to the satisfaction of the Zoning Officer that the residents of the separate accessory residential dwelling unit do not drive an automobile.

§604. Swimming Pools. Swimming pools shall be located in either the rear yard or side yard of the property on which it is an accessory use. All swimming pools, capable of containing water to a depth, at any point, in excess of 40 inches shall be enclosed in accordance with the following subsections:

(a) In-Ground Pools. The swimming pool, or the entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height, which includes a gate secured with a lock.

(b) Above Ground Pools. An above ground swimming pool shall be enclosed with a permanent fence not less than four (4) feet in height which includes a gate secured with a lock, or in lieu of a fence, a barrier not less than four (4) feet in height. The fence or barrier may include the pool wall and any extension thereto which equals or exceeds a height of four (4) feet. Access into a pool which includes a deck shall also be secured by a gate with a lock. Pools without access from a deck, shall include removable or locking retractable steps or any similar device which prohibits uncontrolled access into the pool when not in use. Shrubbery is not to be considered a barrier. Decks which are attached to the pool may not project into any required yard setback for the pool.

(c) Setback Requirements.

(1) In the case of above ground swimming pools, no portion of the body of water in the pool shall be located closer than five (5') feet from the sides and rear yard property lines and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than four (4') feet to the side or rear property lines. Any above ground swimming pool whose body of water is closer than six (6) feet to a property line shall be shielded by a six (6) foot high privacy fence, hedge or other suitable visual obstruction which shall serve to screen the pool from the adjoining property. Such a privacy fence may also serve as the fence required to deter direct access to the body of water, except shrubbery.

(2) In the case of in-ground swimming pools, including any walks,

paved areas and accessory structures adjacent thereto, shall have a minimum setback of ten (10) feet from any rear or side yard lot line.

(d) Other Regulations. Swimming pools shall conform to all manufacturer recommendations and specifications and all other state and federal regulations.

§605. Structures Allowed in Yards and Open Areas. The following structures shall be permitted in required yards and shall not be subject to yard setback requirements or calculated as part of the maximum building coverage:

- (1) Lamp posts, walkways, sidewalks, driveways, retaining walls, fences, steps or landscaping.
- (2) Projecting architectural features such as bay windows, cornices, eaves, chimneys, window sills, or other similar architectural features provided that any such structure does not extend more than three (3) feet into any required yard setback, and may project into front yards not closer than ten (10) feet to the street right-of-way line.
- (3) Terraces, patios, outdoor fireplaces, outdoor furniture, or play ground equipment provided that these structures are not under roof, without walls or other form of enclosure and are located not less than three (3) feet to any lot line, and may project into front yards not closer than ten (10) feet to the street right-of-way line.
- (4) Stairways, balconies, canopies or handicap ramps provided that these types of structures are setback not less than five (5) feet from any lot line.
- (5) Noncommercial satellite dish antennas provided that they do not exceed fifteen (15) feet in height when erected in a residential zoning district.
- (6) Temporary construction trailers provided that they are used on the lot where construction is being conducted and only while construction is occurring.

§606. Exceptions to Height Limitations. The height limitations of this Ordinance shall not apply to the following structures or projections:

- (1) Structures such as chimneys, flagpoles and water towers.
- (2) Structures located on buildings above the roof level such as church

steeple, water tanks, cupolas, skylights and other accessory mechanical appurtenances provided that such structures do not cover more than 25% of the roof on which they are located.

(3) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

§607. Exemption from Yard Requirement for the Enclosure of any Structure. In all zoning districts, any area of a pre-existing nonconforming roofed structure may be enclosed without meeting the yard setback requirements for the zoning district in which the property is located.

§608. Required Access. Every structure erected after the adoption of this Ordinance shall have access to or be located upon a lot adjacent to a public or private street.

§609. Visibility at Intersections, Streets and Private Driveways. A clear-sight triangle shall be provided at all street and driveway intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of two and one-half (2 ½) feet and below ten (10) feet, measured from the centerline grade of intersecting streets and driveways.

(a) Street and Driveway Intersections. Available stopping sight distance shall be provided at all street and driveway intersections per state requirements.

§610. Corner Lot Restriction. On a corner lot there shall be provided on each side thereof, adjacent to a street, a yard setback equal in depth to the required front yard setback of the zoning district in which the lot is located.

§611. Fences and Walls. A fence or wall shall be permitted in any yard subject to the following requirements:

(a) Location. The posts or structural supports of a fence or wall may be located within the interior yard line to be enclosed so that the edge of the fence or wall is situated within or on the property line where it is being constructed. Walls and fences shall not be subject to any setback requirements.

(b) Height-Residential. Residential fences or walls shall have a maximum height of four (4) feet in a front yard and six (6) feet in height in any side or rear yards.

(c) Height-Non-residential. Fences or walls shall have a maximum height of six (6) feet in a front yard and eight (8) feet in height in any side or rear yards.

(d) Materials. All fences shall be constructed with industry recognized materials designed to provide a permanent enclosure. No barbed wire or other potentially injurious, hazardous or offensive material shall be used as fencing or attached to any wall or fence.

§612. Exemption-Public Utilities. With the exception of storage yards, the provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of the party to the proceedings.

§613. Road or Highway Occupancy Permit. Zoning approval for any proposed use or the development of a property, which includes the construction or relocation of a driveway onto a Borough road, Luzerne County road or State Legislative Route or highway shall be conditioned upon the applicant or property owner obtaining a permit from the applicable governmental agency.

§614. Mobile Homes.

(a) Replacement of Non-conforming Mobile Homes. The removal of a mobile home as a nonconforming use upon a property with the intent to replace it with another mobile home may be permitted without Zoning Hearing Board approval provided that the new mobile home is in conformity with all applicable setback, area, and bulk requirements for the zoning district in which it is located. In addition, the replacement of the mobile home shall be done in accordance with the construction standards set forth in Section 614(b) below.

(b) Construction Standards. A mobile home shall be set on a concrete frost-free footer with skirting made of brick, block or concrete wall, and any towing tongues, wheels and axles shall be removed from the mobile home and the home must be secured with a safety strap or cable to the concrete footer or steel cross support. Only under these conditions shall a mobile home constitute a single-family residence. The specifications of the footer and its depth shall be as prescribed under the applicable building code.

(c) Commercial/Industrial Use of Mobile Homes. Mobile homes may be utilized for nonresidential purposes subject to the following:

(1) The proposed use is an approved use by right or special exception in the zoning district in which it is to be located.

(2) The mobile home is placed and anchored upon a permanent foundation.

(3) Prior to occupancy, the mobile home shall be connected to all necessary utilities, including water, sewer, gas and electrical service. The mobile home

shall contain sanitary facilities, including restroom facilities for employees, customers and clients.

(4) Mobile homes which are solely utilized for nonresidential purposes as temporary office space directly related to the construction of any building, structure or other facility shall be exempt from the above requirements. The Zoning Officer shall have the authority to issue a temporary zoning permit for such uses as warranted.

§615. Number of Principal Uses or Structures on a Lot. No more than one principal use or structure shall be permitted upon a lot without first obtaining special exception approval from the Zoning Hearing Board.

§616. Screens and Buffers. Screening and Buffering of Nonresidential Uses or Structures Adjoining a Residential District or Use. Except as otherwise provided for in this Ordinance, all nonresidential uses and structures that adjoin a residential district or residential use shall be screened by a fence or wall not less than six (6) feet in height and a planting strip not less than five (5) feet in depth, with shrubbery, plants or trees which are a minimum of three (3) feet in height at the time of planting. The planting strip must be planted in such a manner as to screen the view of the nonresidential use or structure from the residential district or use. This area must then be suitably landscaped and perpetually maintained at all times. No zoning permit is required for planting.

§617. Outdoor Lighting. All outdoor lighting on private or public residential, commercial, industrial, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (nuisance glare). No zoning permit is required for outdoor lighting.

§618. Composting. The composting of biodegradable vegetative material such as trees, shrubs, leaves and vegetable waste, which do not contain garbage or animal fats shall be permitted as an accessory use in all zoning districts provided that:

(a) The composting is conducted in such a manner as not to create any health, welfare or safety concerns.

(b) Any composting of manure shall be restricted to lots where an agricultural use is permitted, and the manure must be setback not less than one hundred (100) feet from a property line. The composting must also comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.

(c) No zoning permit is required for composting.

§619. Home Gardening, Nurseries and Greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas, provided they are used by the residents for non commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies. No zoning permit is required for gardening or nurseries provided they have no structures.

§620. Non-Commercial Satellite Dishes and Standard Antennas. A non-commercial satellite dish or standard antenna including amateur television and radio antennas shall be permitted as an accessory use in all zoning districts provided that they are properly attached and secured to a structure at a height not to exceed three (3) feet.

Part 7
Parking and Loading Regulations

§701. Off-Street Parking.

(a) **Size of Off-Street Parking Spaces.** Each off-street parking space shall have an area of not less than 180 square feet, being 10 feet in width and 18 feet in length, exclusive of access drives or aisles appurtenant to the space and giving access to it.

(b) **Required Spaces.** Any structure, building or use of land hereafter constructed, erected, converted, or enlarged shall comply with the minimum off-street parking spaces as provided herein. Except in the C-2 Zoning District, if any structure, building or use of land contains more than one of the following classified uses, then required parking for each specific use shall be provided:

<u>TYPES OF USE</u>	<u>NO. OF PARKING SPACES REQUIRED</u>
<u>Single-family Structure:</u>	One space for each dwelling unit.
<u>Two-family Structure:</u>	One space for each dwelling unit.
<u>Multifamily Residential/ Apartments/Townhouses:</u>	Two spaces for each dwelling unit.
<u>Rooming or Boarding Homes or Bed and Breakfasts:</u>	One space for each guest room plus one space for each owner and employee.
<u>Home Occupation:</u>	One space for home occupation and one space for the non-resident employee, excluding those required for the dwelling unit.
<u>Churches/Places of Worship:</u>	One space for every three seats.
<u>Places of Public or Private Assembly:</u>	One space for every three seats.
<u>Schools, Elementary/Secondary:</u>	One space for each staff member, plus one space for every 8 classroom seats for students who are 16 years of age or older.
<u>College, Commercial, Business or Vocational Trade Schools:</u>	One space for each staff and/or faculty member, plus one space for every four classroom seats.

<u>Care Facilities:</u>	One space for each employee, plus one space for every three children or adults, based upon the maximum number of children which the facility is licensed to serve.
<u>Assisted Living Facilities:</u>	One space for every three beds, plus one space for each employee on the maximum working shift.
<u>Professional or General Offices or Medical Clinics:</u>	One space for each 200 square feet of gross floor area.
<u>Social Halls, Clubs and Lodges:</u>	One space for every 100 square feet of gross floor area.
<u>Public Uses:</u>	One space for every 100 square feet of gross floor area.
<u>Public Utility Facilities:</u>	Two spaces per facility; if the facility includes maintenance and/or storage yards then the required number of spaces shall be one for each employee assigned to work at such facility.
<u>Recreational Facilities:</u>	One space for every 100 square feet of gross floor area.
<u>Retail Businesses:</u>	One space for every 150 square feet of gross floor area.
<u>Restaurants:</u>	One space for every three seats, plus two spaces every three employees based upon the maximum working shift.
<u>Veterinary Clinic/Hospital:</u>	Five spaces for every veterinarian or doctor.
<u>Funeral Homes and Crematories:</u>	One space for every 50 square feet of gross floor area.
<u>Motels and Hotels:</u>	One space for each unit for guest accommodations.
<u>Drive-In Business:</u>	One space for every 60 square feet of customer service area, plus two spaces every three employees based upon the maximum working shift.

Automobile, Repair/Gasoline/
Wash/Sales:

One space for every 200 square feet of gross floor area, plus one space for each service or wash bay, gas pump.

Other Commercial Uses/
Buildings:

One space for every 400 square feet of gross floor area.

Industrial Uses/Buildings
Including Trucking Facilities
and Warehousing:

One space for every 2,000 square feet of gross floor area; plus one space for every two employees on the maximum working shift.

(c) Fractions of a Space. When the required off-street parking computation results in any fraction, the fraction shall be construed to require another additional off-street parking space.

(d) Location of Off-Street Parking Areas. Off-street parking spaces for any type of use shall be located on the same lot as the principal use for which the accessory off-street parking spaces are required. Off-street parking spaces may also be permitted on an adjoining lot held under the same ownership provided that the lot to be used for off-street parking and the lot on which the principal use is located are in the same zoning district; and the lot to be used for off-street parking shall be no more than 300 feet to any lot line on which the principal structure is located.

(e) Location and Layout of Off-Street Parking Spaces. Off-street parking areas shall be permitted in any yard area. If the parking area is located in a side or front yard, then the off-street parking spaces shall be located not less than five feet to the nearest point of the property line. Any non-residential off-street parking area when abutting a residentially used property shall be located not less than 15 feet from the residential property and screening and buffering shall be provided under §616 of this Ordinance. All off-street parking areas shall be designed, constructed and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out onto any public right-of-way.

(f) Paving of Off-Street Parking Areas. All required parking areas and parking spaces shall be paved with a concrete or bituminous paving material, or shall be surfaced so as to provide a durable, dustless and mud free surface.

(g) Handicap Parking Spaces. In addition to requirements of this Section 701, any person or business that owns, leases or operates a facility, which is open to the public or provides public accommodations including commercial facilities shall provide handicap parking spaces in accordance with state and federal laws and regulations.