

ORDINANCE NO. 3 / 2024**WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA****AN ORDINANCE AMENDING THE WHITE HAVEN BOROUGH ZONING
ORDINANCE INCORPORATING SECTION 412, CREATION OF COMMERCIAL
OVERLAY DISTRICT FOR ALL C-1 COMMERCIAL NEIGHBORHOODS AND C-2
COMMERCIAL DOWNTOWN ZONING DISTRICTS**

BE IT ENACTED AND ORDAINED by White Haven Borough Council as follows;

§412. Commercial Overlay District.

- a. Applicability. The Commercial Overlay District shall consist of all property within the Borough located in the C-1 Commercial Neighborhood and C-2 Commercial Downtown Zoning Districts.
- b. Powers and duties of the Borough Planning Commission.
 1. The Borough Planning Commission shall meet as required to carry out the review of applications for Certificates of Appropriateness (COA) and such other related work as requested by Borough Council. The Borough Planning Commission shall review and make recommendations on all plans for new construction and the alteration, repair, or moving of existing buildings located within the C-1 and C-2 Zoning Districts. However, Borough Council may only issue a COA.
 2. Public meetings shall be held regularly when there are applications to be considered, but not less than once a month. Special meetings may be held at the call of the chairperson of the Borough Planning Commission.
 3. The Borough Planning Commission may review formal site plan applications submitted in the Downtown Overlay District in an advisory capacity to Borough Council.
 4. The Borough Planning Commission may review informal site plan applications submitted in the Downtown Overlay District in an advisory capacity to the Zoning Officer.
 5. The Borough Planning Commission shall advise Borough Council on matters related to development in the Commercial Overlay District.
 6. The Borough Planning Commission may attend educational sessions, visit other commercial districts with successful revitalization programs, and seek in-depth consultation on matters of historic preservation or

commercial development guidelines. Such training should pertain to the work and functions of the Borough Planning Commission.

7. The Borough Planning Commission may recommend to Borough Council the establishment of additional policies, application requirements, rules, and regulations as it deems necessary to administer its duties.

c. Applications.

1. Commencing on the date of the adoption of this amendment to the zoning ordinance, the Commercial Overlay District standards will apply to the following:

- A. All new construction of buildings or structures.
- B. All exterior building improvements, which require a building permit.
- C. All sign changes which require a building permit (Commercial Overlay District standards are applicable only to the changed element or improvement).
- D. Renovations for which a conditional use permit is required under the provisions of the Pennsylvania Uniform Construction Code (UCC), as in effect at the time of the renovation (all applicable standards apply).
- E. All new or reconstructed parking areas with five or more spaces.

- d. Pre-existing nonconformity. Any building, structure, parking area, or sign that lawfully exists at the time this amendment is enacted, which would not otherwise be permitted under this ordinance, may be continued in the same manner as it existed before the effective date of the ordinance amendment. However, future construction, alteration, addition, reconstruction, or renovation to any existing, or proposed building, structure, or sign shall be subject to the requirements of this §412.

- e. Compliance. At the time of application for any building permit, the applicant shall demonstrate the proposed building, structure, improvement, renovation, or sign complies with the requirements of this §412. No building permit shall be issued until the requirements of this §412 have been met. It is the applicant's responsibility to provide the necessary information so that Borough Council could decide whether an application complies with §412.

19050

- f. Conflict. Where the provisions of the Commercial Overlay District conflict with other requirements of the Zoning Ordinance, the requirements of §412 shall govern.
- g. New construction.
 - 1. New infill development shall be designed to be compatible with the historic architecture of the commercial districts in its massing and external treatment.
 - 2. New infill development shall attempt to maintain the horizontal rhythm of primary street facades by using a similar alignment of windows, floor spacing, cornices, awnings, and other architectural elements.
- h. Rehabilitation of historic buildings.
 - 1. The following buildings within the Commercial Overlay District are considered eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission (PHMC), and can be considered historic buildings for purposes of this section of the zoning ordinance:
 - A. White Haven Area Community Library, 121 Towanda Street, White Haven, PA 18661.
 - B. G&A Hardware Store, 107 Susquehanna Street, White Haven, PA 18661.
 - C. Fireman's Social Club, 212 Main Street, White Haven, PA 18661.
 - D. International Order of the Odd Fellows Lodge #457, 238 Main Street, White Haven, PA 18661.
 - E. White Haven Borough Building, 312 Main Street, White Haven, PA 18661.
 - F. The Canal Building, 243 Main Street, White Haven, PA 18661.
 - G. 314 Main Street, White Haven, PA 18661.
 - H. 101 Berwick Street, White Haven, PA 18661.
 - I. Wilmont Building, 9-10-11-14 Berwick Street, White Haven, PA 18661.
 - J. Tavern on the Trail, 520 Main Street, White Haven, PA 18661.

- K. Feed Mill, 524 Main Street, White Haven, PA 18661.
- L. Telephone Operators Building, 330 Towanda Street, White Haven, PA 18661.
- M. White Haven School House, 300 Elmira Street, White Haven, PA 18661.

2. Distinctive stylistic features or examples of skilled craftsmanship that characterize these historic buildings shall, whenever possible, be preserved. Removal or alteration of any historic material or distinctive architectural features shall be avoided. Deteriorated architectural features are recommended to be repaired or replaced in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. If replacement is necessary, the new material shall match the material being replaced in arrangement, design, color, texture, and other visual qualities.

3. The original finish of masonry facades must be maintained. No unpainted masonry shall be painted, unless the painting shall be approved by Borough Council, upon review and recommendation of the Borough Planning Commission.

i. Area and bulk requirements.

- 1. Front yards for principal buildings. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district in which the lot is located, the front yard required may be reduced to a depth equal to the average of the principal buildings on the two adjoining improved lots.
- 2. Front, side, and rear yards for additions to principal buildings. Where an addition is proposed for an existing principal building which extends into the required front yard, side yard or rear yard, the addition may extend into the required front yard, side yard, or rear yard no further than the existing building provided the proposed addition is not more than 1,000 square feet and it does not obstruct the clear sight triangle of an intersection or public street right-of-way.

j. Building orientation and entrances.

- 1. In the case of properties located along Main Street, the front facade of buildings shall be oriented towards Main Street with the main public pedestrian entrance on this front facade. On corner properties, a secondary entrance along the side street is encouraged but not required. However, facade treatments, such as those listed in subsection 412(1) below shall be

required for both facades.

2. In the case of properties not located on Main Street, the front facade of buildings shall be oriented towards the street.
3. When buildings are located on corner lots, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar architectural feature to distinguish the entry.
4. All primary building entrances shall be accentuated through architectural treatments that enhance pedestrian orientation, such as recessed entrances, protruding entrances, canopies, porticos, overhangs, etc.

k. Windows.

1. At least 40% of the length of the ground floor front facade between an elevation of three feet and seven feet above grade shall consist of windows, glass doors, or other transparent building surfaces providing for a visual connection from the outside to the inside of the building.
2. Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 30% of the facade above the ground floor.
3. Reflective, black glass and glass tinted more than 40% in windows and doors is prohibited on the ground floor facade.

l. Facades.

1. Blank facades shall not be permitted along any exterior walls facing a public sidewalk or street.
2. Any portion of a building facade that exceeds 25 feet in length shall incorporate windows or architectural design elements to break up the expanse of wall and add visual diversity for pedestrian or vehicular interest at ground level. Example elements include windows, doors, lighting, material changes, articulated or sculptured wall surfaces or shadow lines, vertical accents, texture changes or color changes, commissioned murals by professional artists, or other architectural features approved by Borough Council upon recommendation of the Borough Planning Commission.

m. Building materials and colors.

1. The following materials are not allowed on the building's facade or sides adjacent to public right of ways:

19050

- A. Painted concrete block;
 - B. Aluminum, vinyl, or fiberglass siding; and
 - C. Asphalt shingles.
- 2. Exterior building colors are recommended to be compatible with the colors on adjacent buildings, subject to review by the Borough Planning Commission and approval by Borough Council.
- 3. Earth tone color palettes for signs, facades, and awnings shall be required and shall be reviewed by the Borough Planning Commission and approved by Borough Council.
- 4. Proposed colors shall be specified for any building exterior treatment prior to the painting of any structure, windows, awnings, or other facade feature.
- n. Franchise architecture.
 - 1. To maintain and reinforce a unique urban character, buildings within the Commercial Overlay District will not be constructed or renovated using franchise architecture.
 - 2. Franchise architecture means the design of a building that is trademarked or identified with a particular franchise chain or corporation and is generic or standard in nature. Franchises or national chains must follow the standards of this §412 to create a building that enhances the urban character of the commercial districts within the Borough.
- o. Off-street surface parking.
 - 1. There shall be no minimum off-street parking requirement on Main Street.
 - 2. No parking area or access drive shall be located between the curb of Main Street and the property's front set back line. No vacant lots on Main Street shall be approved for parking. Lot fronts shall be comprised of buildings.
 - 3. In the Commercial Overlay District Service, loading areas must be located to the side or rear of the building.
 - 4. Vehicular access to surface parking shall be from the alley or side street on Main Street. Entry/egress along Main Street is prohibited.

5. Safe provisions for pedestrian access to and through a parking lot shall be provided, to include night lighting, in accordance with §412(q).
- p. Conditional use approval. The moving, relocation, or demolition of a principal building, or the construction of a principal building in the Commercial Overlay District shall require conditional use approval by Borough Council under Section 1111 of the Zoning Ordinance.
- q. Lighting.
1. Lighting shall serve to illuminate facade entrances and signage to provide an adequate level of pedestrian safety while enhancing the aesthetic appeal of the buildings.
 2. Building and signage lighting must be indirect with the light sources hidden from direct pedestrian and motorist view.
 3. All exterior lighting shall be designed to prevent glare onto adjacent properties and shall be designed so that the illumination is a minimum of 0.6 foot candles and a maximum of 1.0 foot candles.
 4. The maximum height of lighting fixtures shall be a maximum of 30 feet for parking area illumination and 15 feet for pedestrian walkways.
 5. New lighting added to parking areas or along pedestrian walkways shall be from the early 20th century period style of teardrop lighting. Luminaries shall be mounted on cast metal fluted poles painted black to match.
 6. In the case of a conflict between §617 and this subsection, the requirements of this subsection shall govern.
- r. Streetscape and pedestrian amenities.
1. The streetscape shall be uniform so that it acts to provide continuity throughout the district.
 2. When a redevelopment project disturbs existing streetscape elements (street lighting, sidewalks, street trees, parking meters, electrical utilities, etc.), those items must be replaced in-kind with streetscape elements that match the character and design details of existing features.
 3. The Borough Shade Tree Commission or Borough Council shall be contacted and approve any tree replacement on Main Street.
 4. Tree pits may be planted with flowers and bulbs and maintained by adjacent or local businesses. Recommended species for tree pit plantings

include annuals that are drought tolerant with shallow roots and will not overly compete with the tree for water and nutrients. The tree pit shall be re-mulched after planting to retain soil moisture.

Recommended Spring Bulbs	Recommended Annuals for Sun	Recommended Annuals for Shade
Crocus Chinodoxa Daffodil Winter Aconite (<i>Eranthis hyemalis</i>) Snow Drops (<i>Galanthus nivalis</i>) Spanish Bluebells Lily of-the-Valley (<i>Convallaria magilis</i>) Grape Hyacinth (<i>Muscari</i>) Tulips	Sweet Alyssum Marigold Nasturtium Moss Rose Verbena Geranium Salvia Heliotrope Ageratum Blue Marguerite Daisy	Begonia Coleus Pansy Viola Impatiens

s. Screening.

1. Any outdoor refuse area shall be located to the rear of a building and be entirely screened from views along public streets by an opaque fence or enclosure.
2. All mechanical, electrical, communication, and service equipment, including satellite dishes, air conditioning units, large vents and vent pipes, heat pumps and mechanical equipment, and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets by parapets, walls, fences, landscaping, or other approved means.

t. Awnings.

1. Awnings shall provide sun protection for display windows, shelter for pedestrians, visual interest, and an exterior sign panel for businesses.
2. All awnings shall support the development of a unified urban character within the Commercial Overlay District.
3. Awnings must be constructed of durable, protective, and water repellant materials, such as canvas or vinyl or architectural materials that are intended to complement the design of the building. Plastic or fiberglass awnings are not allowed.

4. Awnings must project a minimum of 36 inches from the building.
5. Earth tone color palettes for awnings shall be approved by Borough Council prior to beginning work.
6. Awnings may display only the name of the business conducted or products or services sold therein, which may appear on the vertical face only.
7. Awnings existing at the time of passage of this zoning amendment, which do not conform to the requirements of this subsection, shall be considered nonconforming awnings. Nonconforming awnings shall not be rebuilt, enlarged, changed, or altered in size, location, text or appearance. Nonconforming awnings may be replaced only with awnings that conform to provisions of this subsection.

u. Signage.

1. Sign dimensions and projections shall be in accordance with sign regulations of Chapter 9 of this Zoning Ordinance and this subsection. In the case of a conflict between Chapter 9 of this zoning ordinance and this subsection, the requirements of this subsection shall govern.
2. Signs shall be architecturally compatible with the style, materials, colors, and details of the building to which they are affixed and with other nearby signs and buildings while providing for adequate identification of the business.
3. Neon signs shall be permitted with the following exceptions:
 - A. No exterior neon lighting shall be permitted.
 - B. No neon lighting shall be permitted that outlines windows or architectural features, such as doors, roof, cornices, and the like.
 - C. Neon signs shall be permitted only in a display window.
 - D. No neon sign shall be permitted above the first floor.
 - E. All neon signs shall comply with all standards established by the National Electrical Safety Code.
4. No exterior signs shall block windows or door openings. Where windows and doors are trimmed in decorative moldings, the moldings shall not be covered.

5. Actual produce and merchandise displayed for sale in store windows are not considered to be signs.
6. Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties and public streets and sidewalks. For exterior sign illumination, shaded gooseneck lamps are encouraged. No flood or spotlights shall be mounted higher than five feet above the sign that it is illuminating.
7. No sign shall be so located or arranged that interferes with traffic through glare; through blocking of reasonable sight lines or streets, sidewalks, or driveways; through confusion with a traffic control device (by reason of color, location, shape, or other characteristic); or through any other means.
8. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to the performance criteria of Underwriters Laboratory, Inc. and to periodic inspection by the Borough Code Official.
9. Temporary poster advertisements shall be displayed on the inside of business storefronts rather than on the outside.
10. Signs existing at the time of passage of this zoning amendment that do not confirm to the requirements of this amendment shall be considered nonconforming signs. No nonconforming sign shall be rebuilt, enlarged, changed, or altered in size, location, text, or appearance. Nonconforming signs may be replaced only with signs that conform to provisions of this amendment.
11. Signs pertaining to businesses or occupants which are no longer using the building or property to which the sign relates, shall be removed from the property within 30 days after the business or occupant has vacated the property. The landowner is responsible for removing outdated signage.
12. A temporary sign stating that a business has relocated will be permitted for no more than 30 days after the business has vacated. Such signs shall be no larger than 12 square feet.
13. Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose shall be considered a freestanding sign; and, as such, will be subject to the provisions regarding free standing signs in the zoning district in which such vehicle is located.

14. Twirling flags, balloons or other air or gas-filled devices and special promotional devices shall only be permitted for a new business for a period of not more than 15 days before or 30 days after the opening of the new business.
15. Where an overall sign plan has been approved for any structure, or as part of any site plan, any subsequent sign for the structure or site shall take into consideration the previously approved plan in terms of location, letter style, lighting, color, construction and material, height, and dimension.
16. Signs shall be of professional quality, legible and in good repair.
17. A sandwich board is a temporary "A" frame sign, which may be readily moved from place to place. Sandwich board sign design and display requirements are as follows:
 - A. Number of signs. One sign per establishment shall be permitted.
 - B. Area and height. The maximum area of a sign shall be eight square feet per side. The width of the sign shall not exceed two linear feet. The maximum height shall be four feet.
 - C. Location. Signs may be placed on a sidewalk directly in front of the business establishment and may only advertise the business or its products. No off-premises advertising shall be permitted. The sign shall be placed on that part of the sidewalk closest to the associated use. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic. Signs may not be anchored to the sidewalk or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.
 - D. Design. The sign frame shall be painted or stained wood or anodized aluminum or metal. Spray-painted signs are prohibited.
 - E. Maintenance. The landowner and the proprietor of the business premises shall be jointly and severally responsible for keeping the area surrounding ground signs neat, clean, and well maintained.
18. Prohibited Signs. The following signs are prohibited, unless Borough Council after recommendation by the Borough Planning Commission that such signs complement the intended use and architectural character of the building upon which it will be displayed:

- 19050
- A. Permanent banners, streamers, inflatable objects, twirlers, and like objects.
 - B. Signs painted directly on structures, except signs painted directly on unpainted brick. A sign painted directly on a structure cannot be the primary sign for any business. The bottom of any sign painted directly on a structure must be located at least 10 feet above ground level.
 - C. Flashing, intermittent, or changing color light, including LED, fiber optic signs, strobe light, or highway flashers.
19. Temporary signs. Temporary signs for special events and sales shall be permitted by Borough Council upon recommendation from the Borough Planning Commission, as set forth in this subsection and Chapter 9 of this Zoning Ordinance.
20. Window lettering and window signs.
- A. All permitted window lettering and window signs shall be of professional quality and applied to the interior of the window.
 - B. Window lettering or signs shall pertain only to the establishment occupying that portion of the premises in which the window is located.
 - C. Sign, size, number, height, location and area requirements.
21. Number of Signs. Signs may be erected only in accordance with the following requirements:
- A. No commercial establishment shall be permitted a total of more than two signs.
 - B. Where there is a business or office floor above the first floor in a two-story building that is not the same business as is located on the first floor, each such business shall be permitted one sign not more than 18 inches high or more than three feet wide, such sign to be placed or painted on the window of the business or office or projected on suitable ornamental bracket from the building facade.
22. Projecting signs. Projecting signs shall be permitted provided that:
- A. Projecting signs must be attached to the building by an ornamental bracket.

- B. No projecting sign, including brackets, may project more than 42 inches from the building to which it is attached.
- C. A projecting sign shall not be larger than 5% of the area of the facade to which it is attached. Ornamental brackets to which a projecting sign may be attached are not included in such five percent calculation.
- D. No more than one projecting sign is permitted for each entrance door.
- E. The bottom of any projecting sign must be at least seven and one-half feet above ground level, and its top may not extend higher than whichever of the following is lowest: 25 feet above grade or the top of the sills of the first level of windows above the ground floor.

23. Window displays.

- A. The storage of materials, stock, or inventory shall not be permitted in any window display area exposed to public view.
- B. Obstructing ground floor windows from the interior of a building with shelving, display cases, signs, or other objects is discouraged.
- C. All commercial window treatments, including blinds, shades, or curtains, shall be maintained in a clean and attractive manner.
- D. Window display areas of vacant store fronts shall be maintained in good condition and in accordance with the regulations in this zoning ordinance.

v. Certificate of appropriateness required.

- 1. Alterations and new construction. No alteration or site improvement of any property located in the Commercial Overlay District (COD) shall be undertaken prior to obtaining a Certificate of Appropriateness (COA) from Borough Council, nor shall zoning or building permits be issued by the Borough for the construction, reconstruction, relocation, alteration, or demolition of any area, place, site, building, structure, object, or work of art within the COD unless the application for such permit is approved by Borough Council through the issuance of a COA in the manner prescribed herein.
- 2. Repairs, informal approval. To expedite and encourage timely

maintenance and repair work in the designated COD, the Borough's Building Code Official (BCO) shall review and approve repair and maintenance work that does not change the design, materials, or general appearance of a structure within the COD. The BCO may solicit comments and recommendations from the Borough Planning Commission. Examples of repair/maintenance work that does not change the design, materials, or general appearance of the structure are as follows:

- A. Replacement of missing bricks, repointing with same color and type of mortar, and reconstruction with brick matching in color, size, and shape.
- B. Replacement of conforming siding, moldings, fascia boards, gutters, railing units, shutters, awnings, canopies, shingles, and other exterior surfaces when there is no change in design, materials, or general appearance. Any replacement or alteration of non-conforming siding, moldings, fascia boards, awnings, canopies, signs, or other exterior surfaces is required to be reviewed by the Borough Planning Commission.
- C. Replacement of windows when they are of like material, in size, shape, and appearance. A change from wooden to metal or vinyl storm windows (particularly on historic structures) is required to be reviewed by the Borough Planning Commission.

w. Certificate of appropriateness application procedures.

- 1. Except for the exceptions and additions below, the COA Application shall be submitted, in writing, and accompanied by a sketch plan, as required by Borough SALDO.
- 2. Scale. The sketch plan shall be drawn at a scale of not more than 20 feet to the inch and include representation of adjacent lots, existing buildings, and adjacent streets.
- 3. Elevation. An architectural rendering or line drawing, to scale, of all building elevations showing all proposed improvements, to include the location of proposed signs and awnings. The elevation shall be drawn at the same scale of the sketch plan and include the following:
 - A. The natural color of materials to be applied, including the colors of any paint or manufactured product on the exterior buildings, walls, or addition.

- B. The type and finish of all materials to be applied to the exterior surface of the building, walls or addition, sign placement, and awning placement.
 - C. Current photographs of the subject building and adjacent buildings.
 - D. Separate renderings of any proposed signs or awnings, including:
 - i. The location and dimensions of the sign and/or awning.
 - ii. The size and style of all lettering.
 - iii. Colors with paint chips and/or color charts attached.
 - iv. Fabric with fabric sample attached.
 - v. Construction materials.
 - vi. Height above grade and below roofline.
 - vii. Exterior lighting details proposed to be used for walkways, drives, and parking lot, including signs and light cast from the building's interior, which is or will be visible from surrounding properties.
 - viii. Existing or proposed streetscape amenities, such as art work, sculptures, lighting, benches, fountains, and other ornamental or decorative features.
- x. Certificate of appropriateness review procedures.
- 1. Pre-application meeting. The developer is encouraged to meet with the Borough Planning Commission prior to submission of a COA Application to discuss early and informally the purpose and effect of this section of the Zoning Ordinance and the criteria and standards contained herein. The meeting will also give the applicant the opportunity to become familiar with zoning regulations and procedures as well as the benefit of any comments on the specific proposal by the Borough and its consultants.
 - 2. When the landowner within the COD proposes new construction or alteration to any portion of a structure, the owner shall first apply for and secure a COA from Borough Council. The application for a COA shall be forwarded to the Borough Planning Commission, together with such plans,

specifications, renderings, and other material as required for recommendation by the Borough Planning Commission for approval by Borough Council.

3. After a COA Application is received, the zoning officer shall determine whether the application is complete. If incomplete, the zoning officer shall advise the applicant within 30 business days of any additional information that is necessary or required. The applicant shall have 10 business days to submit the missing information. Failure to submit the missing information will result in the application not being placed on the Borough Planning Commission meeting agenda.
4. After determining that the COA application is complete, the zoning officer shall forward the COA application to the Borough Planning Commission and the Borough Planning Commission will then schedule a public hearing on the COA application more than 14 days after the date of the COA Application.
5. The applicant shall receive notification of the time and place set for review of the COA application by the Borough Planning Commission and shall appear at such stated time and place and shall bring information, witnesses and evidence as requested by the Borough Planning Commission or which the applicant deems necessary to be helpful to a speedy and thorough review. The applicant, the applicant's agent, or any witnesses called by the applicant may be heard at the Borough Planning Commission public meeting.
6. The Borough Planning Commission shall review the application and evaluate whether the buildings and structures to be constructed, altered, repaired or relocated comply with the requirements of this section of the Zoning Ordinance. The Borough Planning Commission will make a recommendation based on this review and forward the results to Borough Council for action on the COA. The recommendation choices of the Borough Planning Commission are as follows:
 - A. Approval. If the proposed alteration or new construction is determined to have no adverse impacts on the COD and does not violate the Zoning Ordinance, then the Borough Planning Commission shall recommend to Borough Council that it issue the COA.
 - B. Approval subject to conditions. Upon determination that a COA is in compliance, except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct minor deficiencies. The applicant may resubmit the COA to the Borough Planning Commission for final

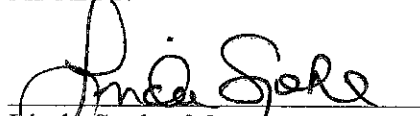
19050

review after conditions have been met. The Borough Planning Commission shall review and recommend approval of the resubmitted application materials to Borough Council, if all required conditions have been addressed.

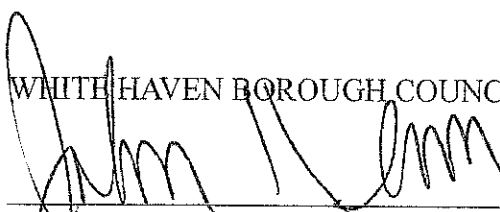
- C. Denial. Upon determination that a COA Application does not comply with the standards and regulations set forth in this Zoning Ordinance, or that the proposed alteration will have an adverse impact on the COD, or the COA Application requires extensive revision to comply with the standards and regulations in this Zoning Ordinance, the Borough Planning Commission shall recommend that Borough Council deny the requested COA.
7. The decision made by Borough Council being an approval, approval subject to conditions, or disapproval of a COA, respectively, shall be on the plans, including the date of such action and all contingencies and findings of fact supporting the Borough Council's decision. A copy of the decision shall be forwarded to the applicant.
 8. Borough Council shall hold a public hearing on the application within 60 days of the date of the application and shall grant or deny approval of the application within 45 days of the date of final hearing on the application or within such further time as may be consented to by the applicant. If Borough Council shall not have held a hearing within 60 days of the application or granted or denied the application within 45 days from the date of the final hearing, the application shall be deemed to have been approved.
 9. Approval of the Certificate of Appropriateness shall expire five years after the date of approval by Borough Council or the approval of the final site development plan by the Planning Commission, whichever is later, if the applicant fails to obtain a building permit, use and occupancy permit, or other applicable permit, unless an extension of time has been agreed, in writing or on the record.

ADOPTED AND EFFECTIVE IMMEDIATELY by White Haven Borough Council, this ____ day of 25th Nov, 2024.

ATTEST:


Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:


John Klem, President

APPROVED THIS 25th DAY OF November, 2024.



Fred Meier, Mayor

19050