



BUILDING, PRINCIPAL:

A building in which is conducted the principal use of the lot on which it is located

CAMPGROUND:

A use with two or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and table, refuse containers, flush toilets, bathing facilities, and water are provided.

CAMPING UNIT:

Any tent, trailer, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation or vacation purposes

CAMPSITE:

Any plot of land within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CARPORT:

A roofed structure opened on two (2) or more sides and used for the storage of private motor vehicles It may be constructed as a separate accessory structure or part of the principal structure.

CAR WASH/AUTO DETAILING:

An area of land and/or a structure with machine-or-hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles.

CELLAR:

A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 ½ feet.

CONTINUING CARE FACILITY:

An age-restricted residential facility as defined in current state licensing requirements, designed, operated and maintained to provide a continuum of accommodations and care for retired adults that may include:

- Independent Dwelling Units
- Skilled Nursing Facilities
- Intermediate Care Facilities
- Personal Care Facilities

A Continuing Care Facility may also include supporting services and facilities that encompass dining, recreational and social activities limited to residents within said facility.

CONTRACTOR'S STORAGE/YARD:

A lot, building, or part thereof, used to store materials and equipment used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

CONVENIENCE STORE:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted.

CONVENIENCE STORE WITH GAS SALES:

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, including beer/wine sales as permitted, along with the retail sales of gasoline and related fuel products, but excluding any type of automotive repairs.

CORRECTIONAL INSTITUTIONS:

A jail, or other institutional facility, used to confine and/or provide treatment, or rehabilitation, of violators of criminal laws, including juvenile inmates/detainees and including facilities for person who are participating in supervised work release programs, whether such facilities provide confinement for all of each 24-hour period, or only a portion thereof, but not including temporary holding facilities that are necessary to a police station. These uses include, but are not limited to detention centers, honor camps, houses of correction, jails, juvenile detention centers penitentiaries, prison farms, reformatories, training schools for delinquents, offenders, and other adjudicated individuals.

CREMATORY:

A facility used for incineration of deceased individuals

CRITICAL AREAS:

An area with one or more of the following characteristics: stream corridors, streams, flood plain areas, wetlands, slopes which equal or exceed fifteen (15) percent, soils classified as highly acidic or highly erodible, soils classified as having a high water table, land and associated soils

DWELLING UNIT:

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilet facilities and separate cooking facilities for exclusive use by the family residing therein.

ENTERTAINMENT FACILITIES:

Commercial establishments engaged in providing indoor and/or outdoor entertainment for a fee or an admission charge, including but not necessarily limited to a movie theater, live theater performances, an arcade, bowling alley, billiard or pool hall, roller skating rink, miniature golf, golf driving range, or similar facilities.

EXCAVATION/EXTRACTION:

Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

FAMILY:

Any number of individuals related by blood, marriage or legal adoption, including foster children, occupying a dwelling unit as their domicile as a single nonprofit housekeeping unit. A family shall also be deemed to include not more than four (4) unrelated persons occupying a dwelling unit as their domicile and living as a single, nonprofit housekeeping unit. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

A family does not include a group living in a boarding house or hotel, or fraternities, sororities, and clubs, or other forms of congregate living arrangements, except as otherwise provided herein.

FARM:

An area of land not less than five (5) acres in size, and used for agricultural purposes, as defined under "Agriculture."

FLEA MARKET:

An occasional or periodic market where groups of individual sellers offer goods for sale to the public

FLOOR AREA:

For the purposes of applying the requirements for off-street parking and loading, "floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

FOOD PROCESSING ESTABLISHMENT:

Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes. (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oils products, (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing and by-product processing (not including facilities that also slaughter animals), (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants

FRONTAGE:

The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

GARAGE, PRIVATE:

A space or structure on the same lot with or in the building to which it is accessory, for storage only, having no public shop or service in connection therewith, and in which no occupation, business or industry is conducted. Except on farms, only one (1) commercial motor vehicle not exceeding two (2) tons capacity or weight may be parked in a private garage or driveway.

GOVERNING BODY, or BODY:

The organization designated by Pennsylvania Code, or a Home Rule Charter, to conduct the business and functions of Luzerne County.

GRAVEL (CRUSHED STONE):

A surface that is considered to be impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement; landscaping stone is not considered as impervious area.

GREENHOUSE (or NURSERY):

A building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

GROUP HOME:

A dwelling unit shared by more than four (4) individuals, who are not related by blood, marriage or legal adoption occupying the premises as their domicile and living together as a single nonprofit housekeeping unit. The term "Group Home" shall not include:

- A. A boarding house and/or a personal care home
- B. A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or addiction to a controlled substance
- C. A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution, including, but not limited to a halfway house or other housing facilities serving as an alternative to incarceration.

- 13 Heavy Industrial (HI) District. The purpose of this Zoning District is to provide for larger and more intensive industrial uses such as manufacturing plants, warehousing/distribution facilities, etc.
- 14 Mixed Residential – Business (MRB) District. The purpose of this Zoning District is to provide for both residential and business uses in close proximity to each other in urban settings.

SECTION 306 PERMITTED USES, SPECIAL EXCEPTION USES, AND NON-PERMITTED USES

1. Permitted Uses. The letter “P” designated under any of the zoning districts in the **Use Table of this Ordinance (Appendices 1.1 and 1.2)** indicates a permitted use in that district, which use is permitted by right within that zoning district, thereby not requiring Zoning Hearing Board approval, but only a determination of compliance and approval by the Zoning Officer.
2. Special Exception Uses. The letters “SE” designated under any of the zoning districts in the Use Table of this Ordinance indicates a special exception use in that district, which use requires Zoning Hearing Board approval. The Zoning Hearing Board may either approve or deny a special exception use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval.
3. Non-Permitted Uses. A blank cell under any of the zoning districts in the Use Table of this Ordinance indicates a use not permitted in that district, which use requires a use variance to be approved or denied by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

SECTION 307 USES NOT ADDRESSED WITHIN ORDINANCE

Whenever, in any zoning district established under this Ordinance, a use is neither specifically permitted nor denied and/or the Zoning Officer is unable to classify a subject use and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Board shall have the authority to permit or deny the proposed use in accordance with the standards governing special exception applications if the Board makes an initial determination that the proposed use is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that:

1. The proposed use is similar to and compatible with permitted uses in the district.

2. The proposed use would not be detrimental to the public health, safety and welfare of the neighborhood
3. The proposed use meets the standards and criteria for special exceptions as contained in this Ordinance

SECTION 308 ZONING DISTRICT DIMENSIONAL REGULATIONS TABLE

Please refer to **Appendix 2** for regulations pertaining to yard areas and height.