

ORDINANCE NO. 2021-1118-05

**AN ORDINANCE OF THE BOROUGH OF FREELAND, LUZERNE COUNTY,
PENNSYLVANIA AMENDING THE FREELAND BOROUGH ZONING ORDINANCE
ENACTED FEBRUARY 4, 2016**

WITNESSETH:

WHEREAS, Freeland Borough Council is authorized by the Municipalities Planning Code and otherwise empowered under the constitution and laws of this Commonwealth to regulate Zoning and Land Use within its municipal boundaries as embodied in the Borough's existing Zoning Ordinance originally enacted February 4, 2016; and

WHEREAS, Borough Council desires to enact numerous miscellaneous amendments to various provisions of the Zoning Ordinance as will be hereinafter set forth; and

WHEREAS, The Borough did in accordance with the requirements of the Municipalities Planning Code submit the proposed amendments to the Luzerne County Planning Agency for review and comment as well as the Freeland Borough Planning Commission;

WHEREAS, Borough Council having convened a public hearing pursuant to public notice as required accepted any comments relative to the proposed amendments and the Borough finds that the enactment of the proposed Amendments to the Borough Zoning Ordinance shall be beneficial to the Borough.

NOW THEREFORE, be it ordained and enacted by the Borough Council for the Borough of Freeland and it is hereby ordained and enacted as follows:

1. Section 412: Minimum Habitable Floor Area for residential dwellings. Is hereby amended as follows:

All dwelling units must conform to the following minimum habitable floor area:

1. Single family dwelling units: 1,000 square feet;
2. Two family dwelling units (including duplexes): 2,000 square feet
3. Multi family dwelling units (including apartments, town houses, row houses, condominiums): 750 square feet per dwelling unit.

2. Section 413. Single — Family of Two — Family residential driveways, Subsection 9 thereof, shall be amended to read as follows:

"9. Improvements. All driveways shall be paved or be constructed with a paved apron that extends from the street front way to a depth of at least 20 feet onto the lot. All driveways shall consist of concrete,

bituminous material, and/or stone. Beyond the paved apron all driveways shall be provided with a dust free surface."

3. Section 422. To the list of vehicles add the following:

"1. Recreation vehicles, trailers, boats, tractor-trailers. Any recreational vehicle, trailer, boat, or tractor-trailer of 24 feet or greater which is not licensed, registered, or inspected shall not be permitted on any residential lot unless located within a completely enclosed garage or other accessory building. If stored on a lot in which residential uses are permitted or existing, a licensed, registered, and inspected recreational vehicle, trailer, boat, or tractor-trailer of 24 feet or greater shall be stored in a building, fenced in yard, or rear yard not less than 10 feet from a lot line. The parking of any recreational vehicles, boats, trailers, and tractor-trailers, commercial vans, passenger vans exceeding 7 passengers, box trucks, including any and all class 4, class 5, class 6, class 7, class 8, and class 9 vehicles of any type (except when making a temporary, local delivery) on a public street in any residential zoning district, business zoning district, conservation district, or downtown business overlay district, is strictly prohibited.

3. Part 6 — Supplemental regulations, Section 602. Specific uses, subsection 3 1 (A) — Manufactured home communities — shall be amended to read as follows:

"A. The minimum lot area shall be 3 acres which must be under single ownership. The lot shall have a minimum width of fifty (50) feet. The maximum density shall be two (2) homes or dwelling units per net acres."

4. Section 1004. Temporary Permits. Subsection 1 thereof, shall be amended to add the following provision:

"E. The use is not within 200 feet of an existing brick and mortar restaurant or food service provider unless restaurant or food service provider agrees in writing on the permit application form."

5. Any Ordinance or part of an Ordinance conflicting with the provisions of this Amendment shall be and the same are hereby repealed to the extent of such conflict only.

6. If any sentence, provision, section or part of this Amending Ordinance for whatever reason is determined to be invalid or unconstitutional such determination shall not affect or impair the remaining provisions or part of this Ordinance nor the originally enacted Zoning Ordinance for the Borough of Freeland.

7. This Ordinance shall become effective immediately from the date of enactment.

Enacted and ordained by Freeland Borough Council of the Borough of Freeland, this
18th day of November, 2021.

BOROUGH OF FREELAND

BY: Joseph Mummolo
Joe Mummolo, President

ATTEST.

[Signature]

John W. Budda
Approved by Mayor John Budda

Date: 11-18-21

NOTICE

Notice is hereby given that Freeland Borough Council will convene a **Public Hearing** on a proposed Zoning Ordinance Amendment on Thursday, November 18, 2021, 5:45 P.M. at the Freeland Borough Municipal Building, 526 Fern Street, Freeland, PA 18224. The Public Hearing will be followed by Borough Council's **regular monthly meeting** commencing at 6:30 P.M., at which time Council will consider adopting the proposed Amendment to the Zoning Ordinance as initially enacted February 4, 2016.

The Ordinance, and amending provisions for purposes of Public Hearing, and potential adoption, consist of the following: Amendment to Section 412 revising minimum habitable floor area for residential dwellings; Section 413 amending regulations for family residential driveways; Section 422 to be revised, expanding on regulations associated with recreation vehicles, trailers, boats, and tractor trailers; amending Part 6 – Supplemental Regulations – Section 602 revising regulations associated with manufactured home communities; amendment to Section 1004 relative to temporary permits, Subsection 1 thereof.

A copy of the proposed amending Ordinance shall be available at the Borough Municipal Building during normal business hours for review, as well as the Hazleton Standard Speaker business office for purpose of the Public Hearing and regular Public Meeting where adoption will be considered. Any interested party may appear and be heard at the Public Hearing on the proposed amendment and likewise at the Public Meeting where adoption shall be considered.

Slusser Law Firm
Freeland Borough Solicitor

6th and 11th