

**BOROUGH OF ORWIGSBURG  
ORDINANCE NO. 356**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 318  
WHOSE SHORT TITLE IS "ORWIGSBURG BOROUGH ZONING  
ORDINANCE" BY ADDING, DELETING AND REVISING  
PORTIONS OF THE TEXT OF THE ORDINANCE AS FOLLOWS:**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.** A new Section 6.12 J. is hereby added, as follows, with all subsequent sections renumbered:

- J. Private garage as a principal use of the lot.
  - 1. All minimum setbacks shall be complied with.
  - 2. The provisions of Sections 10.01 B.4.a.(1)(ii), (2), (3) and (5) shall also apply.
  - 3. The provisions of Section 10.06 B. of this Ordinance shall not apply.

**Section 2.** A new Section 6.22 J. is hereby added, as follows, with all subsequent sections renumbered:

- J. Private garage as a principal use of the lot.
  - 1. All minimum setbacks shall be complied with.
  - 2. The provisions of Sections 10.01 B.4.a.(1)(ii), (2), (3) and (5) shall also apply.
  - 3. The provisions of Section 10.06 B. of this Ordinance shall not apply.

**Section 3.** Existing Article IX – I-Industrial Districts is replaced by the following revised Article IX:

ARTICLE IX

INDUSTRIAL DISTRICTS

SECTION 9.00 – I-1 GENERAL INDUSTRIAL DISTRICTS

SECTION 9.01 - INTENDED PURPOSE. These districts are designed to provide land for various light industrial and manufacturing uses that are not offensive in terms of excessive dust, smoke, fumes, glare noise or other nuisances. Districts designated are intended for use primarily by industries characterized by the absence of objectionable external effects, attractive building architecture and landscaping, with the purpose of encouraging compatibility within the districts and to surrounding or adjacent districts. To these ends, development is limited to low concentration with minimal external and internal nuisances and applicable to industries adaptable to an environment of this nature. These regulations are designed to stabilize and protect the essential

characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and function of the district.

#### SECTION 9.02 - PERMITTED USES.

- A. Light manufacturing, fabrication, processing, packaging, compounding or assembling of the following:
  - 1. Agricultural, food and kindred products, but not including rendering, slaughtering or tanning plants.
  - 2. Furniture and fixtures.
  - 3. Printing, publishing and allied industries.
  - 4. Textile mill and apparel products.
  - 5. Professional, scientific and controlling instruments; photographic and optical goods.
  - 6. Canvas products made of purchased canvas.
  - 7. Fabricated metal products and metal working.
  - 8. Woodworking, cabinets and handicraft products.
  - 9. Electronics and small parts assembly.
  - 10. Other similar uses which, in the opinion of the Zoning Hearing Board and subject to any conditions that the Board may specify, will not be objectionable by reason of noise, vibration or other nuisance characteristics causing noxious odor or atmospheric effluents beyond the boundaries of the district in which such uses are located.
- B. Warehousing and wholesaling establishments and storage yards, but not including junk yards.
- C. Laundries, laundry services and cleaning plants.
- D. Public utility buildings, structures and yards, treatment plants and pump stations, heating and electric power generation plants.
- E. Essential services facilities, subject to the requirements of Section 10.25.
- F. Business and professional offices.
- G. Public parking lots and public garages.
- H. Customary accessory uses and buildings incidental to any of the above permitted uses.
- I. The following Special Exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Article XIV.

1. Junk yards used for storage, wrecking and converting used or discarded materials, provided such use is completely enclosed within a wall or fence of not less than eight (8) feet in height.
  2. Industrial parks.
  3. Retail sales of products produced and/or assembled on the premises as an accessory use to a permitted manufacturing product or process.
  4. Communications antennas and towers, subject to Section 10.30.
  5. Recreation uses.
  6. Community centers.
  7. Light manufacturing, fabrication, processing, packaging, compounding or assembling of pharmaceutical, medicinal, drug and biological products.
- J. The following Conditional Uses, upon the issuance of a permit by Borough Council as provided in Article XIV.
1. Vehicle service stations, body shops and repair garages, providing that the following standards and conditions are complied with.
    - a. A set of plans, specifications and plot plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
    - b. All pumps shall be located outside of buildings and on private property and, in no case, within twenty (20) feet of any street line; and subject to such conditions and safeguards as Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.
    - c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
  2. Vehicle washes.
  3. Adult book stores and adult theaters, subject to Section 10.18.

#### SECTION 9.03 - LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

- A. There is no minimum lot area in the I-1 –General Industrial Districts.
- B. Each use in the I-1 District shall have a front yard of thirty (30) feet, a rear yard of thirty (30) feet and side yards not less than twenty (20) feet in width.
- C. No building shall exceed three (3) stories or forty-five (45) feet in height, unless authorized as a Special Exception.

## SECTION 9.10 – I-2 TRANSITION INDUSTRIAL DISTRICTS

SECTION 9.11 - INTENDED PURPOSE. These districts are designed to provide for the continuation of existing light industrial and manufacturing uses in the Borough, allow for the establishment of similar uses, and provide for the conversion of former industrial sites to other compatible uses. Districts designated are intended for use primarily by industries and other uses characterized by the absence of objectionable external effects, with the purpose of encouraging compatibility within the districts and to surrounding or adjacent districts.

### SECTION 9.12 - PERMITTED USES.

- A. Light manufacturing, fabrication, processing, packaging, compounding or assembling of the following:
  - 1. Furniture and fixtures.
  - 2. Printing, publishing and allied industries.
  - 3. Textile mill and apparel products.
  - 4. Professional, scientific and controlling instruments; photographic and optical goods.
  - 5. Fabricated plastic or metal products and metal working.
  - 6. Woodworking, cabinets and handicraft products.
  - 7. Electronics and small parts assembly.
  - 8. Other similar uses which, in the opinion of the Zoning Hearing Board and subject to any conditions that the Board may specify, will not be objectionable by reason of noise, vibration or other nuisance characteristics causing noxious odor or atmospheric effluents beyond the boundaries of the district in which such uses are located.
- B. Warehousing and wholesaling establishments and storage yards, but not including junk yards.
- C. Retail sales of products produced and/or assembled on the premises as an accessory use to a permitted manufacturing product or process.
- D. Public utility buildings, structures and yards, treatment plants and pump stations, heating and electric power generation plants.
- E. Essential services facilities, subject to the requirements of Section 10.25.
- F. Business and professional offices.
- G. Personal service shops and repair services.
- H. Public libraries and municipal buildings and uses.
- I. Public parking lots and public garages.

- J. Customary accessory uses and buildings incidental to any of the above permitted uses.
- K. The following Special Exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Article XIV.
  - 1. Conversion apartments, subject to Section 10.13
  - 2. Indoor theaters, auditoriums, bowling alleys and similar activities.
  - 3. Community centers.
  - 4. Stores and shops for the conducting of any generally recognized retail business, but not to include "drive-in service places".
  - 5. Restaurants and other business establishments serving food and beverages, but not to include the "drive-in service places".
  - 6. Medical centers/clinics.
  - 7. Offices and workshops of a plumber, electrician, decorator or similar trade, and baking, printing and similar establishments.
  - 8. Day care centers, subject to Section 10.20.
  - 9. Mixed commercial/residential uses, subject to Section 10.32.
  - 10. Laundries, laundry services and cleaning plants.
  - 11. Communications antennas and towers, subject to Section 10.30.
- L. The following Conditional Uses, upon the issuance of a permit by Borough Council as provided in Article XIV.
  - 1. Vehicle service stations, body shops and repair garages, providing that the following standards and conditions are complied with.
    - a. A set of plans, specifications and plot plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
    - b. All pumps shall be located outside of buildings and on private property and, in no case, within twenty (20) feet of any street line; and subject to such conditions and safeguards as Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.
    - c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
  - 2. Vehicle washes.

SECTION 9.13 - LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

- A. There is no minimum lot area in the I-2 –Transition Industrial Districts.
- B. Each industrial use shall have a front yard of thirty (30) feet, a rear yard of thirty (30) feet and side yards not less than twenty (20) feet in width.
- C. Unless provided for elsewhere in this Ordinance, each non-industrial use shall have a front yard of thirty (30) feet, a rear yard of twenty (20) feet and side yards not less than ten (10) feet in width.
- D. No building shall exceed three (3) stories or forty-five (45) feet in height, unless authorized as a Special Exception.

SECTION 9.20 – GENERAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS

- A. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.
  - 1. Off-street parking shall be provided in accordance with Article X.
  - 2. Off-street loading shall be provided in accordance with Article X.
- B. Where an industrial use is proposed to be located adjacent to a non-industrial use, a landscaped strip along the common property line of not less than ten (10) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall not be less than five (5) feet in height, except on corner lots where a clear sight area as defined in Article X shall be maintained.
- C. SIGN REQUIREMENTS - Signs shall be permitted in accordance with Article X.

**Section 4.** Sections 10.01 B.4.a.(1) and (2) are hereby amended to read as follows:

- (1) Maximum building footprint
  - (i.) In the R-1 District:  
900 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.
  - (ii.) In the R-2, R-3 and V Districts:  
1,000 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.
- (2) Maximum height – fifteen (15) feet.

**Section 5.** Section 10.01 B.4.a. is hereby amended to add a new subsection (5) to read as follows:

- (5) Only one (1) detached private garage is permitted on a lot.

**Section 6.** Section 10.01 B.4.b.(2) is hereby amended to read as follows:

- b. (2) Such buildings shall not exceed a combined total of 180 square feet in floor area.

**Section 7.** Section 10.06 C.3. is hereby amended to read as follows:

3. Patios, decks, paved terraces and open porches may be located in side and rear yards provided that they do not extend closer than five (5) feet from any property line. In case of a corner lot, no such structures shall extend into the required yard adjoining each street.

**Section 8.** Section 10.07 O. is hereby amended to read as follows:

O. Additional Regulations for Parking Spaces in the Village District.

1. The existing use of property in the Village District shall be defined as (1) the current use or (2) use of record (if vacant) on the effective date of this amendment. Any required off-street parking spaces shall be determined in accordance with the provisions of Section 10.07 Q.
2. Required off-street parking spaces in the Village District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard or in the building area to the side of the principal building shall be screened from the street in accordance with the screening requirements of Section 10.15.

**Section 9.** Section 10.10 G. is hereby amended to read as follows:

- G. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to surface water or groundwater. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

**Section 10.** The first line of Section 10.12 K.4. is hereby amended to read as follows:

4. Action. Within fifteen (15) days of the submission of a complete application for a sign permit, the Zoning Officer shall either:

**Section 11.** Section 10.13 is hereby amended to read as follows:

SECTION 10.13 - CONVERSION APARTMENTS. In any district where permitted, structures existing at the date of the adoption of This Ordinance may be converted into apartments, provided there shall be a minimum of two thousand (2,000) square feet of land area per apartment and the habitable floor area is in accordance with the regulations of This Ordinance for the district in which the structure is located.

**Section 12.** Section 12.03 A. is hereby amended to read as follows:

- A. A non-complying building is any building which does not conform to the District regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.

**Section 13.** Section 13.02 C. is hereby amended to read as follows:

- C. Special Exceptions - Applications for any special exceptions as permitted by this Ordinance shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board shall refer the matter to the Planning Commission for report thereon as to its effect on the comprehensive planning of the Borough. After receipt of such report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the Borough and is deemed necessary for its convenience. In approving any such application, the Zoning Hearing Board may impose any conditions that it deems necessary to accomplish the reasonable application of applicable standards as provided in this Ordinance and may deny any such application, but only in accordance with said standards.

**Section 14.** Section 13.05 B.1. is hereby amended to read as follows:

1. Application. Requests for Special Exceptions and Conditional Use shall be submitted to the Borough, together with all required fees, in a written application setting forth the grounds for the request in detail.

A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Special Exception or Conditional Use Application and contain the following:

**Section 15.** TABLE D – NUMBER AND DIMENSIONS OF CERTAIN SIGNS BY SIGN TYPE, is hereby amended to (1) revise the heading of Column 4 to read “FROM SIDEWALK, PRIVATE DRIVE OR PARKING and (2) change the Vertical Clearance required in Column 4 from 10 feet to 8 feet (in all applicable instances).



**Section 16.** The Zoning Map of the Borough of Orwigsburg is hereby amended as follows:

All those certain parcels of land situate in the Borough of Orwigsburg, County of Schuylkill, Commonwealth of Pennsylvania, identified in Exhibit A, Parcels Proposed for Rezoning, shall be rezoned as so noted on the said Exhibit A.

**Section 17.** All other parts, sections, subsections and provisions of the Zoning Ordinance of the Borough of Orwigsburg shall remain in effect as heretofore enacted.

**Section 18.** In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the Borough that such remainder shall remain in full force and effect.

**Section 19.** This ordinance becomes effective within the time provided by law.

**Section 20.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 11 day of DECEMBER, 2002.

Attest:

*Kathleen M. Casugan*  
Borough Secretary

BOROUGH OF ORWIGSBURG  
By: *Charles Stumpf*  
President of Council

(SEAL)