

**BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 427**

**AN ORDINANCE TO AMEND THE ORWIGSBURG BOROUGH ZONING ORDINANCE BY AMENDING THE DEFINITIONS OF PARKING SPACE, STRUCTURE AND LIFE CARE COMMUNITY AND ADDING DEFINITIONS FOR PRIVATE STREET, PUBLIC STREET AND TINY HOME; AMENDING SECTION 10.02 RELATING TO TEMPORARY STRUCTURES FOR DWELLING PURPOSES; AMENDING SECTION 10.07 RELATING TO OFF-STREET PARKING REQUIREMENTS; AMENDING SECTION 10.09 RELATING TO LOT ACCESS; AMENDING SECTION 10.21 RELATING TO LIFE CARE AND RETIREMENT COMMUNITIES; CORRECTING TYPOGRAPHICAL ERRORS; AND PROVIDING FOR A REPEALER, PROVISIONS REGARDING VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.**

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

SECTION 1.

A. Section 201.H of the Orwigsburg Borough Zoning Ordinance, being Ordinance No. 400, as amended by Ordinance Nos. 409 and 412 (the "Ordinance"), is hereby amended to read in its entirety as follows:

H. The word "watercourse" includes channels, creek, ditch, dry run, spring, stream and river.

B. The following definitions in Section 201 of the Ordinance are hereby amended to read in their entirety as follows:

**LIFE CARE COMMUNITY.** A planned development designed for the elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility. Such facility may also include a community center, personal service shops, recreation areas and common open areas.

**PARKING SPACE.** An off-street space available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passage ways and driveways appurtenant thereto and giving access thereto.

STREET, PRIVATE. A private thoroughfare which affords principal means of vehicular access to abutting properties, but not planned for dedication. This does not include an alley or a driveway.

STREET, PUBLIC. A public thoroughfare that is owned by the Borough or State which affords principal means of vehicular access to abutting properties. This does not include an alley or a driveway.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term structure shall include buildings, signs, stadiums, platforms, communication towers, porches or decks covered by a permanent roof, swimming pools (above ground or below ground), storage sheds, carports, garages, pump stations, booster stations and power stations. Driveways, walkways, parking lots, sidewalks and utility lines shall not be considered a structure.

TINY HOME. A dwelling that is constructed on a movable trailer, not intended to be placed on a permanent foundation, regardless if it is to be used for a temporary home or a permanent home, shall be considered and regulated a Recreational Vehicle.

C. Section 10.02 of the Ordinance is hereby amended to read in its entirety as follows:

SECTION 10.02 - TEMPORARY STRUCTURES FOR DWELLING PURPOSES.  
No cabin, mobile home, garage, basement, recreational vehicle, tiny home or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time unless approval for temporary use is granted by the Zoning Hearing Board as a special exception and, as to recreational vehicles, tiny homes or other temporary structures, shall be subject to the safety standards established by the Recreational Vehicle Industry Association for temporary living in effect at the time of application for the special exception.

D. Section 10.07.C of the Ordinance is hereby amended to read in its entirety as follows:

C. Size of Spaces. Per the current version of the Borough Zoning Ordinance.

E. Section 10.07.E of the Ordinance is hereby amended to read in its entirety as follows:

E. Access and Aisles.

1. Unobstructed access to and from a street, and aisle width for a parking area shall be provided as indicated below. See Section 10.09 for additional access requirements.

2. Each aisle providing access to stalls shall be at least the minimum aisle width specified as follows:

Angle of Parking	Minimum Aisle Width	
	One Way	Two Way
Parallel	12 feet	Not permitted
30 degrees	12 feet	Not permitted
45 degrees	15 feet	Not permitted
60 degrees	18 feet	Not permitted
90 degrees	20 feet	24 feet

3. No aisle shall exceed two hundred and fifty feet (250') in length.

F. Section 10.07.H.1.a of the Ordinance is hereby amended to read in its entirety as follows:

- a. Apartment Houses: The total number of parking or garage spaces shall be not less than two (2) times the number of dwelling units in the building. A garage, accessory to an apartment house, shall provide only for the storage of vehicles of the owner, tenants, and employees and shall not be considered a space.

G. Section 10.07.H.1.f of the Ordinance is hereby amended to read in its entirety as follows:

- f. Life Care Communities: At least two (2) parking spaces for each dwelling unit, plus an additional parking space for each three (3) beds for patient use.

H. A new subsection g. is added to Section 10.07.H.1 of the Ordinance to read in its entirety as follows:

- g. Retirement Communities: At least two (2) parking spaces for each dwelling unit.

I. Sections 10.07.H.2.l, q, t, v, w and x of the Ordinance are hereby amended to read in their entirety as follows:

- l. Mini Warehouses / Self Storage Facilities: One (1) space shall be required per employee (full or part-time) and shall be defined / striped, plus one (1) additional space for every five (5) storage units. The additional parking spaces for storage units can be designed to be in front of and between storage units, provided that an adjacent access

aisle is provided to allow passage of vehicles. The additional parking spaces and aisles do not need to be painted.

- q. Restaurants and Bars: At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) full-time employees on the maximum shift.
- t. Shopping Centers: Not less than 5 parking spaces per every one thousand (1000) square feet of Gross Leasable Area, or fraction thereof.
- v. Vehicle Service Stations: At least one (1) parking space for every three (3) service bays plus a space for every two (2) fuel pumps, or fraction thereof. In no case shall the spaces for permitted motor vehicles be less than five (5).
- w. Vehicle Washes: No less than one (1) space per wash lane.
- x. All other commercial uses: One (1) space per employee for the maximum shift plus such space as may be determined by the Planning and Zoning Commission on a case by case basis.

J. Section 10.07.H.3.b of the Ordinance is hereby amended to read in its entirety as follows:

- b. Manufacturing, Printing or Publishing, and other Industrial Establishments: At least one (1) parking space for each two (2) employees on the maximum shift, or each five hundred (500) square feet of floor area, whichever is greater.

K. Section 10.07.H.4.k of the Ordinance is hereby amended to read in its entirety as follows:

- k. Libraries: At least one (1) parking space for each two hundred (200) square feet of floor area.

L. Section 10.09.B.3 of the Ordinance is hereby amended to read in its entirety as follows:

- 3. The entire flare of any return radius shall fall within the abutting right-of-way.

M. Section 10.21.D, E and F of the Ordinance are hereby amended to read in their entirety as follows:

- D. The life care / retirement community may provide individual dwelling units in any combination of single or multiple-family dwellings and shall include a community center. The community center can be comprised of an auditorium, activity rooms, craft rooms, library, lounges, or similar recreational facilities for members of the life care community. A minimum of 5% of the gross floor area shall be dedicated as and utilized for the community room. A minimum of 5% of the gross floor area shall be dedicated as and utilized for the community room. Additional facilities provided as part of the life care / retirement community may include:
1. Dining facilities;
  2. Medical facilities, including treatment, nursing and convalescent facilities, as to life care communities only;
  3. Office and retail service facilities designed and adequate to serve only the members of the life care / retirement community, including but not necessarily limited to doctor's offices, pharmacy, gift shop, coffee shop.
- E. A minimum of thirty percent (30%) of the total tract area shall be designated as and used exclusively for common open space. The common open space shall be developed per the requirements of the respective sections of Article X, Ownership (Section 11.06.B), location (Section 11.06.A), design and layout (Section 11.05), and maintenance (Section 11.06.C).
- F. There shall be a minimum setback of one hundred (100) feet from all tract boundaries in which no structures, including parking areas, shall be located. The buffer yard and screening provisions of this Article (Section 10.15) shall be incorporated within setback areas.

SECTION 2. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, in so far as they are inconsistent herewith, shall be and the same are hereby repealed.

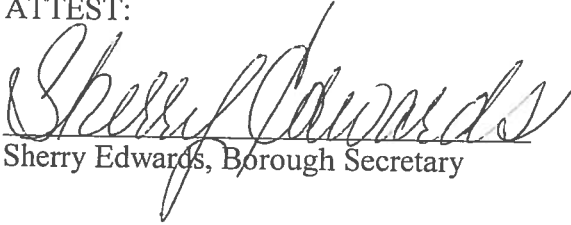
SECTION 3. If any section(s) or part of a section(s) of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or section of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.


SECTION 4. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 11<sup>th</sup> day of October, 2017, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

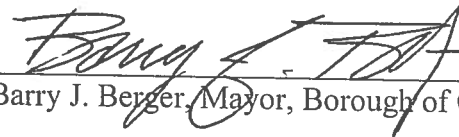
BOROUGH OF ORWIGSBURG  
Schuylkill County, Pennsylvania

ATTEST:

  
Sherry Edwards, Borough Secretary

By:   
Buddy Touchinsky, President of Council

EXAMINED and APPROVED this 11<sup>th</sup> day of October, 2017.

  
Barry J. Berger, Mayor, Borough of Orwigsburg

