

BOROUGH OF ORWIGSBURG
ORDINANCE NO. 330

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. Section 2.02 is hereby amended to add the following new definitions:

DRIVEWAY. A private drive providing access between a public or private street and a permitted use or structure.

DWELLING, SINGLE FAMILY, ATTACHED (TOWNHOUSE OR ROW). A building used by one family and having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

DWELLING, TWO FAMILY, ATTACHED (TOWNHOUSE OR ROW). A building used by two families and having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

FACADE. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

PARTY WALL. A common, shared wall between two (2) separate structures, buildings, or dwelling units.

Section 2. Section 2.02 is hereby amended to delete the following definition:

BOARDING HOUSE.

Section 3. Section 2.02 is hereby amended to revise existing definitions as follows:

ACCESS DRIVE. See Driveway.

BED AND BREAKFAST INN. An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided, but no public restaurant shall be maintained.

DWELLING, ATTACHED (TOWNHOUSE OR ROW). A building having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

DWELLING, SINGLE FAMILY, SEMI-DETACHED (DUPLEX). A dwelling containing two (2) dwelling units which are attached side by side by the use of a party wall.

DWELLING, TWO FAMILY, DETACHED. A dwelling containing two (2) dwelling units, one of which is located above the other.

HOME BUSINESS. An occupation, profession, activity or use conducted within a residential dwelling by the resident-operator and not more than two (2) nonresident employees. Home business uses are intended to be of a service nature and not involve the purchase and/ or sale of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home businesses are limited to fifty (50) percent of the total floor area of the principal building and any accessory building(s) in existence on the date of enactment of this ordinance. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking space will be required in addition to the spaces required for the residential use. (See HOME OCCUPATION).

HOME OCCUPATION. An occupation, profession, activity or use conducted within a residential dwelling solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. The use shall be of such nature that will not require regular visits by customers and/or deliveries. There shall be no exterior evidence of the home occupation and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home occupations are limited to twenty-five (25) percent of the total floor area of the principal building and any accessory building(s) in existence on the date of enactment of this ordinance. (See HOME BUSINESS).

LODGING HOUSE (ROOMING HOUSE). A building or a portion thereof, other than an apartment hotel or a hotel, containing not more than one dwelling unit; where

lodging is provided without meals for up to six (6) persons in addition to the family unit.

TOURIST HOME. A private residence in which overnight accommodations are provided for four (4) to six (6) transient paying guests.

Section 4. Section 4.02 is hereby amended to read as follows:

SECTION 4.02 - USES NOT PROVIDED FOR. In any district established by this ordinance, when a specific use is neither permitted nor denied, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district and may establish such criteria as it feels necessary to ensure such compatibility. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this determination has been made.

Section 5. Section 6.12 K.3. is hereby amended to read as follows:

K. 3. Lodging houses and tourist homes.

Section 6. The following subsections of Section 6.22 are hereby amended to read as follows:

C. Two family, two family semi-detached, and two family attached dwellings.

E. Apartment houses and conversion apartments.

K. 2. Lodging houses and tourist homes.

Section 7. The following subsections of Section 7.01 are hereby amended to read as follows:

C. Two family, two family semi-detached, and two family attached dwellings.

E. Apartment houses and conversion apartments.

L. 2. Lodging houses and tourist homes.

Section 8. Section 7.02 is hereby amended to read as follows:

SECTION 7.02 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal non-residential building hereinafter erected or altered for any use permitted in this district.

	SINGLE-FAMILY DETACHED	SINGLE-FAMILY SEMI-DETACHED	TWO-FAMILY DETACHED	TWO-FAMILY SEMI-DETACHED
Minimum Lot Area*	5,000 s.f.	**4,000 s.f.	8,000 s.f.	**4,000 s.f.
Minimum Lot Width	40 feet	***30 feet	60 feet	***45 feet
Setback Requirements				
Front Yard	15 feet	15 feet	15 feet	15 feet
Rear Yard	20 feet	20 feet	20 feet	20 feet
Side Yard	8 ft. each	****8 feet	12 ft. each	****16 feet
Lot coverage (maximum)	50%	50%	50%	50%

* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is proposed, lot area in addition to stated minimum may be required, subject to PaDER approval.

** Per dwelling unit

*** Minimum lot width to party wall

**** One property line is party wall

APARTMENT HOUSES:

- (a.) Minimum lot area required - 3,000 sq.ft. per dwelling unit.
- (b.) Front Yard: 15 feet; Rear Yard: 20 feet; Side Yard: 12 feet

ATTACHED DWELLINGS (TOWNHOUSES/ROW):

- (a.) Density and Area Requirements:

Maximum Gross Density.....10 dwelling units/acre

Interior Lot Width (minimum).....18 feet

Front Yard Setback (minimum).....15 feet

Side Yard for End Units (minimum).....8 feet

Rear Yard (minimum).....20 feet

- (b.) No less than three (3) and no more than six (6) dwelling units shall be permitted in a group of townhouses.

Note: All apartment houses and attached (townhouse/row) dwellings must be served by public water and sewer.

PERMITTED NON-RESIDENTIAL USES

Subject to the same dimensional requirements as single family detached dwellings.

Certain uses may have additional dimensional requirements from those noted above.

Section 9. Section 7.03 - General Requirements for All Uses in the Village District, is hereby renumbered as Section 7.04 and a new Section 7.03 added, as follows:

SECTION 7.03 - EXCEPTIONS TO FRONT YARD REQUIREMENTS IN THE VILLAGE DISTRICT. No part of any building shall extend closer to a street than the front building setback line, except as provided for in Section 10.06 C. herein. However, when the subject property is situated between two improved lots, at least one of which with front yard dimensions less than those required, the minimum front yard required for the subject property may be reduced to a depth equal to the average of the adjoining two lots.

Section 10. Subsections 10.01 B.4.a.(4) and 10.01 B.4.b.(4) are hereby amended to read as follows:

B. 4. Detached accessory buildings in residential districts. In the R-1, R-2, R-3 and V Districts, the following additional regulations apply:

a. Detached private garages.

(4) Detached private garages in rear yards shall be located

(a) a minimum of ten (10) feet from any property line in the R-1 and R-2 Districts

(b) a minimum of one (1) foot from any side property line and a minimum of ten (10) feet from any rear property line in the R-3 and V Districts.

b. Other detached accessory buildings.

(4) Detached accessory buildings in rear yards shall be located a minimum of five (5) feet from any property line in the R-1 District and a minimum of one (1) foot from any property line in the R-2, R-3 and V Districts.

Section 11. Section 10.07 J. is hereby amended to read as follows:

- J. **Location and Ownership.** Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided all spaces therein are located within reasonable walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the District in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential District unless the use to which the spaces are accessory are permitted in such Residential Districts or upon approval by the Planning Commission. Satisfactory arrangements shall be made, and approved by the Planning Commission, to maintain the required number of spaces available either (a) throughout the existence of such use to which they are accessory, or (b) until such spaces are provided elsewhere.

Section 12. Section 10.07 N. is hereby amended to read as follows:

N. **Regulations for Parking Spaces in the Village District.**

1. 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.
2. Open parking spaces and/or parking lots in the Village District shall not be located closer than three (3) feet from any side or rear property line, except as follows:
 - a. No setback from a side or rear property line is required when said side or rear property line abuts a public alley.
 - b. No setback is required from a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

Section 13. Section 10.07 is hereby amended to add a new subsection P., as follows:

P. **Exemptions to Off-Street Parking Requirements**

1. Where the occupancy of an apartment building is limited to a special group, such as the elderly or handicapped, not normally requiring off-street parking to the extent of other uses, such building shall be exempted from the parking space requirements of this section; provided, however, that in no instance shall less than one off-street space be provided for each four units in such building.
2. When a use is expanded in size or when a use occurs requiring a greater number of off-street parking facilities than the existing use, the owner and/or occupant shall be required to provide only that number of additional off-street parking facilities required by the new use or expanded portion of the existing use; provided, however, no existing off-street parking facilities shall be eliminated unless all applicable off-street parking requirements are met.
3. Where a nonconformity exists in respect to required parking for an existing use and where available lot area remains after meeting the parking required under 2. above, then the owner and/or occupant of the property shall use that available lot area to provide additional parking to the extent possible to meet the parking requirement of the existing use; provided, however, that nothing in this sentence shall be understood to override any other provisions of this Ordinance.

Section 14. Section 10.09 A.2. is hereby amended to read as follows:

- A. 2. No access drive or driveway shall provide access to a lot in a District other than the District in which such access drive or driveway is located without approval from the Planning Commission.

Section 15. Section 10.09 B. is hereby amended to add a new subsection title and subsection B.4. is revised to read as follows:

- B. **Access to Apartment Houses and Non-Residential Uses.** The following shall apply to access drives and driveways serving apartment houses and non-residential uses.
 4. Unless approved and constructed as a common access drive/driveway, no access drive shall be located closer to any side property line than the minimum required side yard setback for the prevailing district.

Section 16. Section 10.09 C. is hereby amended to add a new subsection title and a new subsection 4., as follows:

C. Access to Residential Uses other than Apartment Houses.

4. No more than two (2) driveways shall be permitted per lot in residential use.

Section 17. Sections 10.11 A. and B. are hereby amended to read as follows:

- A. In the R-1, R-2 and R-3 residential districts, no fence or wall shall exceed four (4) feet in height in any front or side yard nor six (6) feet in height in any rear yard. A front fence shall be behind the sidewalk. Fences of wood, metal or masonry may be erected to a height not exceeding eight (8) feet within the side and rear building areas of any lot.
- B. In the village, commercial and industrial districts, fences may be erected to a height not exceeding eight (8) feet along the side and rear lot lines, with the following exceptions:
 1. No fence shall exceed four (4) feet in height along any side lot line between the front property line and the front setback line, nor across the front of any property in commercial or industrial use forward of the abutting property's front setback line.
 2. Where such lots abut upon property zoned residential, the fences may not exceed six (6) feet in height along lot lines where so abutting without a special exception being granted by the Zoning Hearing Board and, in no case, shall such a special exception permit a fence of greater than eight (8) feet in height.

Section 18. Section 10.12 I. is hereby amended to delete existing subsection 3. and renumber the subsequent subsections.

Section 19. Section 10.15 B. - Planting Strip, is hereby amended to add a new subsection 5., to read as follows:

- B. 5. Exceptions. Except as may be required by the Planning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No planting strip is required along a rear property line when the rear property line abuts a public alley.

- b. No planting strip is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

Section 20. Section 10.15 B. - Screening, is hereby amended to correct the subsection designation to read "C." and to add a new subsection 3., to read as follows:

- C. 3. **Exceptions.** Except as may be required by the Planning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No screening along a rear property line is required when the rear property line abuts a public alley.
 - b. No screening is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

Section 21. Section 10.15 C. - Off-Street Parking Areas, is hereby amended to correct the subsection designation to read "D." and to add an introductory sentence, as follows:

D. **Off-Street Parking Areas.**

Except as modified elsewhere in this Ordinance, the following shall apply to the landscaping and screening of off-street parking areas:

Section 22. Sections 10.15 D., E., and F. are hereby amended to read E., F., and G.

Section 23. Sections 10.24 D., E., and F., are hereby amended to read as follows:

- D. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character.
- E. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.

- F. Hereafter, no home business shall be permitted unless off-street parking space is provided. The off-street parking shall be in addition to the spaces required for the principal residential use and shall be such additional space as shall be required by the Board for the specific use.

Section 24. The first paragraph of Section 11.02 A. is hereby amended to read as follows:

- A. The application for tentative approval shall be submitted by or on behalf of the landowner to the Borough Secretary in accordance with the Preliminary Plan requirements of the Borough Subdivision and Land Development Ordinance. The application for tentative approval shall, in addition to the plans and supporting data required in the Subdivision and Land Development Ordinance, contain the following:

Section 25. Section 11.03 B. is hereby amended to read as follows:

- B. The proposed Planned Residential Development shall contain a minimum of ten (10) acres of land.

Section 26. Section 11.04 A.1.e. is hereby amended to read as follows:

- e. Single- and Two-Family Attached (townhouse/row) dwellings;

Section 27. Section 11.06 A.8.e. is hereby amended to read as follows:

- e. Two-Family Attached and Multiple Family 16 Dwelling units/acre

Section 28. Section 12.04 C. is hereby amended to read as follows:

- C. If any non-conforming building shall be destroyed by reason of windstorm, fire, explosion or other Act of God or the public enemy to an extent of more than 75 percent of the building, then such destruction shall be deemed complete destruction and the structure may not be rebuilt, restored or repaired except in conformity with the regulations of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Zoning Officer. A non-conforming structure that has been destroyed by fire, windstorm, or other causes deemed to be no fault of the owner may be reconstructed provided that the reconstructed structure does not exceed the height,

area or volume of the destroyed structure. An application for building permit must be submitted within one (1) year from the date of destruction or the non-conforming structure shall not be restored except in conformity with This Ordinance.

Section 29. Appendix Table E, Permitted Sign Characteristics by Zoning District, is hereby amended to allow Changeable Copy Signs in the Village zoning district, but only with a sign permit.

Section 30. All other parts, sections, subsections and provisions of the Zoning Ordinance of the Borough of Orwigsburg shall remain in effect as heretofore enacted.

Section 31. 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.

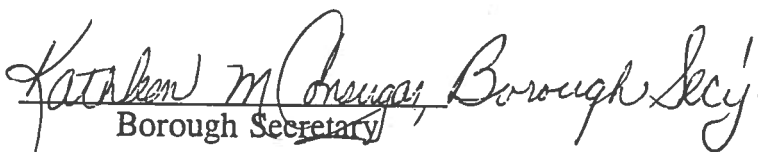
Section 32. This ordinance becomes effective within the time provided by law.

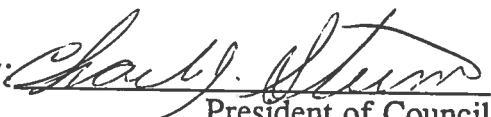
Section 33. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 11TH day of OCTOBER, 1995.

Attest:

BOROUGH OF ORWIGSBURG


Borough Secretary
KATHLEEN M. CONSUGAR

By: 
President of Council
CHARLES J. STERNER

(SEAL)