

ORDINANCE 2022-13

**AN ORDINANCE AMENDING THE CITY OF HAZLETON
ZONING ORDINANCE**

WHEREAS, the Council of the City of Hazleton adopted Ordinance 2021-9 which Amended the Hazleton City Zoning Ordinance; and

WHEREAS, Ordinance 2021-9 was incorporated as Chapter 575 of the Code of Ordinances of the City of Hazleton;

WHEREAS, certain amendments to the zoning ordinance have been suggested by City Officials and the same have been deemed necessary for the continued effective and efficient administration of Zoning in the City.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of Hazleton as follows:

The Council of the City of Hazleton do hereby amend Part II, Chapter 575, Zoning, of the Hazleton City Code of Ordinances as follows:

SECTION 1

SECTION 503. ZONING DISTRICT USE REGULATIONS is amended as follows:

1. *Multi-Family is no longer a Permitted use in R-1 and R-2 Zoning Districts. Multi-Family shall not be permitted in the R-1 Zoning District and permitted by Special Exception in the R-2 Zoning District.*

2. *Outdoor seating for restaurants and BYOB is a Permitted Accessory Use in the CC and CH Zoning District provided that the seating is located in areas permitted by non-zoning ordinances under the Hazleton City Code of Ordinances.*

3. *Place of Worship or Church is not permitted in the R-1, R-2 and R-3 Zoning Districts. Place of Worship or Church is a use permitted by right in the CC and CH Zoning Districts.*

4. *Tiny Homes and Tiny Home Developments are only permitted in the R-3 Zoning District.*

December 20, 2022

SECTION 202. DEFINITIONS is amended as follows:

- 1. "Nightclub" A commercial establishment primarily dispensing alcoholic beverages pursuant to Pennsylvania Liquor License Law, or an establishment where the patrons, visitors or guests bring their own alcoholic beverages for consumption on the premises, along with dancing and/or live or recorded music. This term does not include any adult use or a restaurant.*
- 2. "Tiny Home" a principal residential detached dwelling unit that has a total floor area of more than 500 and less than 750 square feet.*

SECTION 610. RESIDENTIAL USES is amended as follows:

- 1. Sec. 610 C (9) is changed so that a zoning permit is required for a no impact home-based business, but no inspection is required.*
- 2. Sec. 610 subsection 6 (E) is added - minimum size for a manufactured home is 750 square feet.*
- 3. Section 575-610 (N) Tiny Homes and Tiny Home Developments.*
 - 1. A tiny home shall have an exterior width of not less than 12 feet and a floor area of not less than 500 square feet.*
 - 2. A tiny home shall have a gross floor area of not be less than 80 square feet per occupant, but in no case more than a total of 750 square feet.*
 - 3. The sleeping room area of a tiny home shall not be less than 120 square feet.*
 - 4. A tiny home ceiling height shall not be less than 8 feet and the maximum home height may not be more than 25 feet.*
 - 5. A tiny home shall be serviced with public water and sewer and must include functional cooking, sleeping, toiletry, and living areas that support normal daily residential activities.*
 - 6. Tiny homes on wheels shall:*
 - a. Be affixed to a permanent foundation. The foundation shall form a complete enclosure under the exterior walls, and be skirted with brick, block or concrete wall, and any towing*

tongues, wheels and axles shall be removed from the tiny home and the home must be secured with a safety strap or cable to the concrete footer or steel cross support. Only under these conditions shall the tiny home constitute a residence. The specifications of the footer and its depth shall be constructed under the applicable building code and pass a satisfactory inspection by the building inspector or building code official.

b. Not be designed to move under their own power.

7. Each tiny home lot within a tiny home development shall meet the following dimensional requirements:

a. A minimum lot size of 3,500 square feet.

b. Lot coverage shall not exceed 40%.

c. Minimum lot width may not be less than 30 feet.

d. Minimum lot setbacks for a tiny home within a tiny home development only shall be not less than 20 feet from a front yard, five feet from a side yard, and 15 feet from a rear yard.

SECTION 604. COMMERCIAL USES is amended as follows:

1. Sec. 575-604 G the term BYOB club is deleted.

SECTION 605. ENERGY RELATED ACCESSORY USES is amended as follows:

1. Section a (8) b (ii) is eliminated.

2. New Section a (8) E is added as follows:

E. In all districts, in the event the distance from the principal structure is less than the requisite side yard setback for the applicable district, the roof top solar panels shall be not be installed on any portion of the roof less than 6 foot from the roof edge.

SECTION 505. ZONING OVERLAY DISTRICT USE REGULATIONS is amended as follows:

1. Section 505. Zoning Overlay District Use Regulations will now be labeled Section 505 A. ZONING OVERLAY DISTRICT USE REGULATIONS.

SECTION 505. DOWNTOWN OVERLAY DISTRICT is amended as follows:

1. Section 505 Downtown Overlay District will now be labeled 505 B. DOWNTOWN OVERLAY DISTRICT.

SECTION 801. OFF-STREET PARKING is amended as follows:

1. c. Multi-Family dwelling units - minimum required off-street parking spaces – three spaces plus one space for every bedroom when there are more than three.

ZONING MAP CHANGE

1. A Section of the southern portion of the LI zone on the north west side of Poplar and Samuels Streets shall be changes from an LI to R-2 zone.

SECTION 2

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 3

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

SECTION 4

This ordinance shall become effective at the earliest time permitted under Pennsylvania law.

ADOPTED by Council this 20th day of December, 2022.

First Reading
(Nov. 22, 2022)

Presented Perry
Seconded Colombo
Barletta Y
Colombo Y
Mundie Y
Ondishin Y
Perry Y

Second Reading
(December 6, 2022)

Presented XXXXXX
Seconded XXXXXX
Barletta XXXXXX
Colombo XXXXXX
Mundie XXXXXXX
Ondishin XXXXXX
Perry XXXXXXX

Motion to Table (12/6/2022):

Second Reading
(December 20, 2022)

Presented Perry
Seconded Colombo
Barletta Y
Colombo Y
Mundie Y
Ondishin Y
Perry Y

Presented Barletta
Seconded Colombo
Barletta Y
Colombo Y
Mundie Y
Ondishin Y
Perry Y

ORDINANCE PASSES UNANIMOUSLY ON 12/20/2022