

**BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**ORDINANCE NO.   378**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF ORWIGSBURG.

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 the authority of the same as follows:

**SECTION 1.** Section 5.02 – Designation and interpretation of boundary district of Article V Special Overlay Districts S-S Steep Slope Conservation District, is amended as follows:

- A. The Steep Slope Conservation District consists of two areas which are delineated and defined as follows:
  - 1. Prohibitive Slope – Prohibitive slopes are those of greater than twenty-five (25) percent slope.
  - 2. Precautionary Slope – Precautionary slopes are those of fifteen (15) to twenty-five (25) percent slope.
- B. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purposes of this Ordinance, slope shall be measured over three (3) adjacent two (2) foot contour intervals (six (6) cumulative vertical feet of slope).
- C. The Zoning Officer and/or Borough Engineer shall make a determination of the boundary of the steeply sloping area by using available mapping and in-field verification. A determination of the Zoning Officer and/or Borough Engineer may be appealed to the Zoning Hearing Board.

An Applicant may, at his own option and expense, provide a topographic survey with an application for a zoning permit, which survey shall then be considered as the delineation of slope. Said topographic survey shall be certified by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania indicating contours at two-foot intervals which are based on an official benchmark.

- D. Areas of steep slope that may be excluded from the use regulations of Sections 5.03 and 5.04 of this Ordinance include the following:
1. Areas of steep slopes that are less than three thousand (3,000) square feet in area.
  2. Isolated areas having a steep slope for a horizontal dimension of less than thirty feet (30'), and which are not within a seventy-five foot (75') radius of any other steep slope.
- E. Boundary Interpretation and Appeals Procedure.
1. Each application for construction, land disturbance or subdivision containing land within the Steep Slope Conservation District shall be submitted in accordance with such other provisions of the Ordinances of Orwigsburg Borough as are applicable thereto. Any areas of the Steep Slope Conservation District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas.
  2. Any party seeking land development and/or subdivision approval in what might be a Steep Slope Conservation District shall have the burden to present evidence of the boundaries of the District in the area in question. This presentation must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.

**SECTION 2.** Section 10.28 of Article X – Supplementary Regulations is amended as follows:

**SECTION 10.28 - ATTACHED DWELLINGS IN THE R-1 AND R-2 DISTRICTS.** The Zoning Hearing Board may approve Attached Dwellings (Townhouse/Row) as part of larger residential developments in the R-1 and R-2 Residential Zoning Districts according to the procedures and requirements specified below:

**A. Density and Area Requirements - R-1 District:**

Attached dwellings may be permitted as a component of residential developments on tracts of twenty-five (25) acres or greater in the R-1 District. All attached dwellings shall be located in only one portion of the tract. The portion of the overall tract devoted to attached dwellings and their appurtenances (including, but not limited to, required yard areas, parking areas, driveways, etc.) shall not exceed twenty (20) percent of the total area of the overall tract.

Maximum Gross Density<sup>(1)</sup>.....4 dwelling units/acre  
 Interior Lot Width (minimum).....20 feet  
 Front Yard Setback (minimum).....30 feet  
 Side Yard for End Units (minimum).....30 feet  
 Rear Yard (minimum).....30 feet

(1) Portion of the overall tract devoted to attached dwellings and their appurtenances only.

**B. Density and Area Requirements - R-2 District:**

Attached dwellings may be permitted as a component of residential developments on tracts of six (6) acres or greater in the R-2 District. All attached dwellings shall be located in only one portion of the tract. The portion of the overall tract devoted to attached dwellings and their appurtenances (including, but not limited to, required yard areas, parking areas, driveways, etc.) shall not exceed fifty (50) percent of the total area of the overall tract.

Maximum Gross Density<sup>(1)</sup>.....6 dwelling units/acre  
 Interior Lot Width (minimum).....20 feet  
 Front Yard Setback (minimum).....30 feet  
 Side Yard for End Units (minimum).....20 feet  
 Rear Yard (minimum).....25 feet

(1) Portion of the overall tract devoted to attached dwellings and their appurtenances only

C. No less than three (3) and no more than six (6) dwelling units shall be permitted in a group of attached dwellings.

D. All attached (townhouse/row) dwellings must be served by public water and sewer.

**SECTION 3.** Section 12.01 C 5 of Article XII entitled Non Conforming Uses be and hereby is amended as follows:

5. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the non-conforming use or such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.

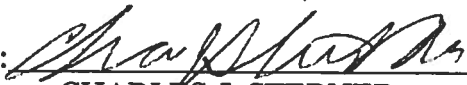
**SECTION 4 - REPEALER:** Any Ordinance or part of Ordinance inconsistent herewith be and hereby are expressly repealed.

**SECTION 5 - SEVERABILITY:** If any sentence, clause or section of this Ordinance is for any reason found unconstitutional, legal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Orwigsburg that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not be included herewith.

**SECTION 6 - EFFECTIVE DATE:** This Ordinance shall become effective immediately upon adoption by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania.

**DULY ENACTED AND ORDAINED** into an Ordinance, this 8 TH day of March, 2006, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.


BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA

By:   
CHARLES J. STERNER  
COUNCIL PRESIDENT

ATTEST:

  
SHERRY M. EDWARDS  
BOROUGH SECRETARY

EXAMINED and APPROVED this 8 TH day of March, 2006.

  
AUSTIN SCANDIBER  
MAYOR OF ORWIGSBURG

A true copy of proposed Ordinance to be considered at a public hearing to be held on March 1, 2006, at 7:00 p.m. at the Borough Hall, 209 North Warren Street, Orwigsburg, Pennsylvania, and to be considered for adoption by the Borough Council of the Borough of Orwigsburg on March 8, 2006, at 7:30 p.m. at Borough Hall, 209 North Warren Street, Orwigsburg, Pennsylvania.

ATTEST:

  
SHERRY M. EDWARDS  
BOROUGH SECRETARY