

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 441**

AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA AMENDING THE ORWIGSBURG BOROUGH ZONING ORDINANCE, AS AMENDED, BY CREATING A NEW ZONING OVERLAY DISTRICT TO BE KNOWN AS THE "VILLAGE OVERLAY DISTRICT" AND ESTABLISHING DISTRICT REGULATIONS THEREFORE; PROVIDING FOR CERTAIN REPEALERS AND SEVERABILITY; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, Orwigsburg Borough is a borough organized and operating under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, confers upon the Borough Council of the Borough the authority to amend, change, and/or modify its Zoning Ordinance within the Borough; and

WHEREAS, the Borough Council of Orwigsburg Borough believes that providing for residential development of townhome and condominium uses represents sound land use planning; and

WHEREAS, the Borough Council of Orwigsburg is desirous of promoting the residential development of townhome and condominium uses; and

WHEREAS, the Borough Council of Orwigsburg Borough has determined that encouraging such residential development is best facilitated by the creation of a new overlay zoning district; and

WHEREAS, the Borough Council of Orwigsburg Borough has determined that the health, safety, and general welfare of the citizens of Orwigsburg Borough will be promoted and served by enacting this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania that the Orwigsburg Zoning Ordinance, as amended (the "Ordinance"), is hereby amended as follows:

Section 1. Specific Terms. Section 202, entitled "Terms Defined", of the Ordinance is hereby supplemented by adding the following definitions:

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership

solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM BUILDING. A principal building designed as a multi-family dwelling with internal access to condominium units.

CONDOMINIUM UNIT. An individual dwelling unit designed to occupy a person(s) or a single family, but shall not include a group home or group institutional use.

TOWNHOUSE. A building arranged, designed and intended to be occupied exclusively as a residence for one (1) family, which is one (1) of a group of three (3) or more such buildings but not more than twelve (12), placed side by side and separated by unpierced vertical common walls, each dwelling having at least one (1) separate entrance from the outside.

Section 2. Zoning Districts. Article V, entitled "Special Overlay Districts", of the Ordinance is hereby supplemented by adding to the Special Overlay Zoning Districts listed therein a new Zoning Overlay District to be known as the "V-O Village Overlay District" and by adding thereto the following new Section 5.20 through 5.22 entitled "V-O Village Overlay District":

VILLAGE OVERLAY DISTRICTS

SECTION 5.20 – PURPOSE AND MINIMUM REQUIREMENTS.

- A. The purposes of the establishment of the Village Overlay District are to promote the public health, safety and welfare by providing for orderly and appropriate residential development of townhome and condominium uses within the Borough of Orwigsburg.
- B. To be eligible for development pursuant to the Village Overlay District, a Lot shall meet all of the following minimum requirements:
 - 1. Minimum Lot Area: 25 gross acres of contiguous land area.
 - 2. Density: The maximum residential density shall be 11 dwelling units per gross acre.
 - 3. Maximum Lot Coverage: 30 percent.
 - 4. Setback Requirements: Principal buildings shall be located at least: 100 feet from all exterior property lines; 100 feet from all local street right-of-way lines; and 80 feet from all state street right-of-way lines. All accessory buildings, solid waste disposal facilities, storage areas, and/or off-street parking areas shall be

located at least: 50 feet from all exterior property lines; 50 feet from all local street right-of-way lines; and 30 feet from all state street right-of-way lines.

5. **Building Height:** All buildings shall not exceed 45 feet in height, or a maximum of 3 floors.
6. **Common Open Space:** An area designated as common open space shall be established within the development, which shall contain a minimum of 50 percent of the total land area regardless of the size and shape. No more than 60 percent of the total area designated as common open space shall contain storm water management facilities, floodplains, wetlands or steep slopes (over 25 percent in grade). Not over 1/3 of which may be used for storm water management areas.
7. **Buffer Area:** A buffer area shall be established along the perimeter of the property, which shall be designed as follows: a 30 foot wide buffer area shall be established along the perimeter of adjacent residential uses; a 20 foot wide buffer area shall be established along the perimeter of a street; and a 20 foot wide buffer area shall be established along all other uses. The buffer area shall be initially planted with a combination of deciduous trees (minimum caliper of 2 inches) and evergreen trees (minimum height of 6 feet) that have the capabilities to grow into an effective buffer area over time.
8. **Internal Roads:** All internal roads shall be designed as a private marginal access street containing: a minimum width of 24 feet with no on-street parking; 32 feet with parking along one side of the road; or 40 feet with parking on both sides of the road. The internal private road system shall be designed with: a maximum grade of 5 percent within 50 feet of an intersection with a public street; a maximum centerline grade of 10 percent along all other road segments; and a horizontal and vertical alignment that provides safe sight distance and visibility at a 25 miles per hour design speed. Streets or Roads capable of accommodating emergency management vehicles and 2-way traffic patterns. Concrete Curbing is also required. Applicant must provide Auto Turn traffic movements for these vehicles documenting above.
9. **Off-Street Parking:** 2.5 spaces for townhouse unit; 2.0 spaces for standard condominium units; and 1.5 parking spaces for age-qualified condominium units. The parking spaces shall be designed with a minimum of 9 feet in width and 19 feet in depth with parking aisle of 24 feet for perpendicular parking. The

designated off-street parking spaces may include any required handicapped parking spaces or temporary loading spaces for persons with special needs. Parking spaces must be within a reasonable walking distance to the building they intend to provide spaces for. The developer may designate additional parking areas on non-paved, lawn or pervious surfaces, provided that such spaces are designated for overflow parking conditions within the development.

10. Steep Slopes: All slopes over a 25 percent grade in pre-development conditions shall not be occupied by principal buildings (townhouses or condominiums). Earth disturbance activities or encroachments on slopes over 15 percent in pre-development conditions may be permitted provided that the finished elevation is stabilized at a 3:1 side slope ratio or as approved by the Schuylkill County Conservation District. Should retaining walls be desired above 4 feet or with vehicle loading they must have appropriate geotechnical testing performed and a design provided by a Pennsylvania licensed professional Engineer.
11. Sanitary Sewer: The entire project shall be served by public sanitary sewage disposal facilities.
12. Water Supply: The entire project shall be served by public water supply and service facilities.
13. Sidewalks and Pedestrian Access: Concrete Sidewalks shall be required between the principal buildings and off-street parking areas. Pedestrian paths or trails shall be provided to link other principal buildings, community facilities or common uses within the development. A plan shall be prepared to show sidewalk improvements between the principal buildings and off-street parking areas and pedestrian paths and trails.
14. Solid Waste Disposal: The homeowners association or management group shall be responsible for solid waste disposal and recycling of designated materials. All common disposal areas shall be enclosed by a 6 foot high security fence, which shall be located at least 50 feet from all exterior property lines and 30 feet from all street right-of-way lines.
15. Homeowners Association: The landowner or developer shall establish a homeowners association for the perpetual ownership, maintenance and occupancy privileges of all common facilities not dedicated to Borough, which includes: the private roads or streets; off-street parking areas; common open space; stormwater

management facilities; sanitary sewer facilities; water supply facilities; principal buildings (exterior and internal); accessory buildings or common uses; solid waste disposal facilities; curbs, sidewalks and pedestrian paths; exterior lighting; signs; line painting and/or other designated common facilities required to facilitate the development.

16. Recreation Areas and fees: Section 705 of the Orwigsburg Borough Subdivision and Land Development ordinance is applicable and remains in full force.
17. Improvement and Construction assurances: Section 1201 of the Orwigsburg Borough Subdivision and Land Development Ordinance is applicable to this district and remains in full force.

Section 5.21 - USES PERMITTED BY RIGHT. Land, buildings and structures in the Village Overlay District shall be used for Townhouses and Condominiums and for no other use or purpose and shall be included among the "Uses Permitted by Right" in the R-1 Low Density Residential Districts under section 6.22 of this Ordinance. All dwelling units within the Village Overlay District shall be for single-family occupancy that is owned by: individuals or multiple landowners; investments groups; partnership; corporations; and/or any individual person (sole proprietor).

Section 5.22 - AREA, YARD, AND HEIGHT REGULATIONS. Land, buildings and structures in the Village Overlay District shall comply with the requirements of Section 6.23 of this Ordinance, entitled "Lot Width, Lot Area and Yard Requirements" in the R-1 Low Density Residential Districts, unless otherwise provided in Section 5.20.

Section 3. Repealer. All ordinances or parts of ordinances, together with all amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance Amendment. This Zoning Ordinance Amendment shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance Amendment.

Section 4. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance Amendment is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word or remaining portion of the Zoning Ordinance. The Borough Council of the Borough of Orwigsburg hereby declare that it would have adopted this Zoning Ordinance Amendment and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more

of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall become effective five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED this 8th day of July, 2020, by the Borough Council of Orwigsburg Borough, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:


Sherry Edwards, Borough Secretary

By: 
Richard Bubeck, President of Borough Council

EXAMINED and APPROVED this 8th day of July, 2020.


Barry J. Berger, Mayor, Borough of Orwigsburg