

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE No. 2013-04

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY AMENDING CHAPTER 180 (ZONING) TO REVISE THE ZONING MAP BY ELIMINATING THE LIGHT MANUFACTURING (LM) DISTRICT, CHANGING APPROXIMATELY 39.54 ACRES OF LAND FROM AN LM ZONING DESIGNATION TO A RURAL AGRICULTURAL (RA) ZONING DESIGNATION, CHANGING APPROXIMATELY 61.71 ACRES OF LAND FROM AN LM ZONING DESIGNATION TO A LIGHT INDUSTRIAL (LI) ZONING DESIGNATION, CHANGING APPROXIMATELY 35.50 ACRES OF LAND FROM AN RA ZONING DESIGNATION TO AN LI ZONING DESIGNATION, REVISING SECTION 180-79A TO REMOVE THE CAR WASH, GAS STATION, BANK, AND GAS STATION/GROCERY STORE USES FROM THE LIST OF PERMITTED COMMERCIAL USES IN THE LI ZONING DISTRICT, REVISING SECTION 180-79B TO REMOVE THE GOVERNMENT FACILITY USE FROM THE LIST OF PERMITTED INDUSTRIAL USES IN THE LI ZONING DISTRICT, REVISING SECTION 180-79.1 TO ADD THE LANDFILLS AND WASTE DISPOSAL FACILITIES USE TO THE LIST OF USES REQUIRING CONDITIONAL USE APPROVAL IN THE LI ZONING DISTRICT, REVISING SECTION 180-80B TO REMOVE THE LANDFILLS AND WASTE DISPOSAL FACILITIES USE FROM THE LIST OF USES REQUIRING SPECIAL EXCEPTION APPROVAL, REVISING SECTION 180-82C TO CHANGE THE TERM "COVERAGE" TO "MAXIMUM IMPERVIOUS SURFACE RATIO", REVISING ARTICLE XIVA (LIGHT MANUFACTURING DISTRICT) TO ELIMINATE THE LM ZONING DISTRICT AND THE REGULATIONS PROVIDED FOR THEREIN IN THEIR ENTIRETY, REVISING SECTION 180-109F2a1 TO ADD A SENTENCE REQUIRING THAT CERTAIN INDUSTRIAL ACTIVITIES BE CONDUCTED AT LEAST 100 FEET FROM ANY PROPERTY LINE OR ZONING BOUNDARY LINE, AND ADDING SECTION 180-109G TO PROVIDE FOR A NATURAL RESOURCE MITIGATION ALTERNATIVE IN THE LI DISTRICT WHEN APPROVED IN WRITING BY THE COUNCIL OF LOWER SAUCON TOWNSHIP; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the “Code”); and

WHEREAS, the Council of Lower Saucon Township desires to amend the Code of the Township of Lower Saucon to revise the Township Zoning Map, eliminate the Light Manufacturing Zoning District and its regulations, eliminate certain uses from the list of permitted uses in the Light Industrial Zoning District, require that a landfills and waste disposal facility obtain conditional use approval instead of special exception approval, require that certain industrial activities be conducted at least 100 feet from any property boundary line or zoning boundary line, create a natural resource mitigation alternative for industrial users requesting to disturb natural resources in the Light Industrial Zoning District, and making certain editorial revisions to provide consistency throughout the Zoning Ordinance; and

WHEREAS, the Council of Lower Saucon Township has determined that the adoption of this Ordinance containing the described amendments to the Zoning Map and text of the Zoning Chapter of the Code is in the best interest of the public health, safety, and welfare of the citizens of Lower Saucon Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows:

Section 1. Amendment to Chapter 180 (Zoning), Section 180-14 (Classes of districts), subsection A

Chapter 180, Section 180-14(A) shall be revised to read “...12 primary use zoning districts, as follows:...”; removing the “Light Manufacturing (LM) District” from the section.

Section 2. Amendment to Chapter 180 (Zoning), Section 180-15 (Zoning Map), subsection A

The Zoning Map of the Township of Lower Saucon is amended in accordance with the revisions noted on the Map attached hereto and incorporated herein by reference as Exhibit “A”. Specifically, in the Applebutter Road area of the Township, the Light Manufacturing (LM) District is eliminated, approximately 39.54 acres of land zoned LM is changed to Rural Agricultural (RA), approximately 61.71 acres of land zoning LM is changed to Light Industrial (LI), and approximately 35.50 acres of land zoned RA is changed to LI. The Township Manager is hereby directed to prepare a revised Zoning Map dated 2013 in accordance with the provisions of this Section.

Chapter 180, Section 180-15(A) of the Code is amended in its entirety as follows:

A map entitled "Zoning Map for the Township of Lower Saucon, Northampton County, PA, adopted: _____, 2013 by Ordinance No. 2013-04 as amended," accompanies this chapter and is declared as part of this chapter.

Section 3. Amendment to Chapter 180 (Zoning), Section 180-79 (Permitted uses), subsection A (Commercial uses)

Chapter 180, Section 180-79(A) of the Code is amended to replace the following uses listed therein with the term "RESERVED";

- (1) Car Wash; public water and sewer required
- (5) Gas Stations (see §180-104)
- (6) Bank
- (7) Gas Station / grocery (See §180-104)

Section 4. Amendment to Chapter 180 (Zoning), Section 180-79 (Permitted uses), subsection B (Industrial uses)

Chapter 180, Section 180-79(B) of the Code is amended to replace the following uses listed therein with the term "RESERVED";

- (4) Government facility, other.

Section 5. Amendment to Chapter 180 (Zoning), Section 180-79.1 (Conditional uses)

Chapter 180, Section 180-79.1 of the Code is amended to add a new subsection C as follows:

"C. Landfills and Waste Disposal Facilities (see §180-109)."

Section 6. Amendment to Chapter 180 (Zoning), Section 180-80 (Special exception uses), subsection B (Industrial uses)

Chapter 180, Section 180-80(B) of the Code is amended to replace subsection (3)" Landfills and waste disposal facilities (see §180-109)" with the term "RESERVED".

Section 7. Amendment to Chapter 180 (Zoning), Section 180-82 (Lot requirements), subsection C

Chapter 180, Section 180-82(C) of the Code is amended to replace the line "Coverage: maximum 60%" with the line "Maximum Impervious Surface Ratio: 60%".

Section 8. Amendment to Chapter 180 (Zoning), Article XIVA (Light Manufacturing District LM)

Chapter 180, Article XIVA (Light Manufacturing District LM) of the Code is hereby deleted in its entirety. Article XIVA shall be designated “RESERVED FOR FUTURE USE”.

Section 9. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses)

Chapter 180, Section 180-109 of the Code is amended to revise the first clause of the second (2nd) sentence in subsection 180-109(F)(2)(a)[1] as follows:

“No surface mine, landfill, waste disposal facility, waste transfer facility or recycling facility activities shall be conducted less than 100 feet from a property boundary line or zoning boundary line;”

Section 10. Amendment to Chapter 180 (Zoning), Section 180-109 (Industrial uses)

Chapter 180, Section 180-109 of the Code is amended to add the following subsection (G):

“G. Natural Resource Mitigation Alternative

An applicant proposing to develop an industrial use within the Limited Industrial Zoning District shall be permitted, with the written approval of the Lower Saucon Township Council, to utilize and disturb a greater area of natural resources than would be otherwise permitted by the Resource Protection Standards contained in Section 180-95 herein, provided the applicant preserves an equal amount of land outside of the LI District as open space in accordance with the following requirements:

- (1) The amount of land required to be dedicated as open space shall equal the acreage of Resource Protection Land proposed to be disturbed as determined by the Site Capacity Calculations outlined in Section 180-95.C(2)(b). The Applicant shall be permitted to offer an amount of land in excess of the acreage calculation if accepted by the Township. Any land dedicated to the Township in excess of the required acreage may be counted as dedicated land for potential future disturbance.
- (2) The applicant shall provide drawings and calculations clearly showing the amount of disturbance and protected areas of the site
 - (a) An additional plan sheet showing the limits of disturbance and total acreage of environmentally protected lands that are to be disturbed is required.
 - (b) Calculations shall be included on the plans that accurately reflect the amount of land that is required to be resource protected by ordinance

standards (§180-95.C(2)(b)), the total acreage of resource protected land permitted to be disturbed, the total acreage of resource protected lands that are proposed to be disturbed, and the minimum amount of land that is required to be dedicated as open space.

- (3) The land proposed for dedication as open space does not need to contain the same environmental resources as those proposed for disturbance on the subject site.
- (4) The land shall be located within the municipal boundaries of Lower Saucon Township but shall be off-site, not within an industrial or commercially zoned area, and shall not contain any natural or man-made features that are inconsistent with the Township's Open Space Action Plan and Policies.
- (5) The land shall be offered to the Township in the form of dedicated open space or a conservation easement that is acceptable to the Township Council; and shall be dedicated prior to the recording of the final land development plans.
- (6) With the approval of the Township Council, land that is currently occupied by a use but that contains significant natural or historic resources, may be also considered for dedication to the Township.
- (7) The following standards shall apply to all open space property considered for dedication by the applicant:
 - (a) Open space shall be uninterrupted by unrelated buildings or drives and appropriately landscaped and/or designated as open space. Open space areas shall be interconnected with open space areas on abutting parcels whenever possible. It shall be incumbent upon the applicant to demonstrate that the open space is compatible with the surrounding areas.
 - (b) Any land set aside as open space which is of such a size as may be capable of future subdivision under the regulations of this chapter must be made subject to a deed restriction, conservation easement or agreement acceptable to the Township Council and duly recorded in the Northampton County Recorder of Deeds Office.
 - (c) Required open space shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities.
- (8) In the event that the applicant demonstrates, to the satisfaction of the Township Council, that it was unable to obtain any property for dedication as open space; the applicant may meet the mitigation alternative requirements of this Subsection

(G) by submitting a fee-in-lieu of dedication in accordance with the Lower Saucon Township Fee Schedule Resolution in effect at that time.”

Section 11. Violations and Penalties

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

Section 12. Severability

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

Section 13. Repealer

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 14. Effective Date

The provisions of this Ordinance shall become effective five (5) days after adoption.

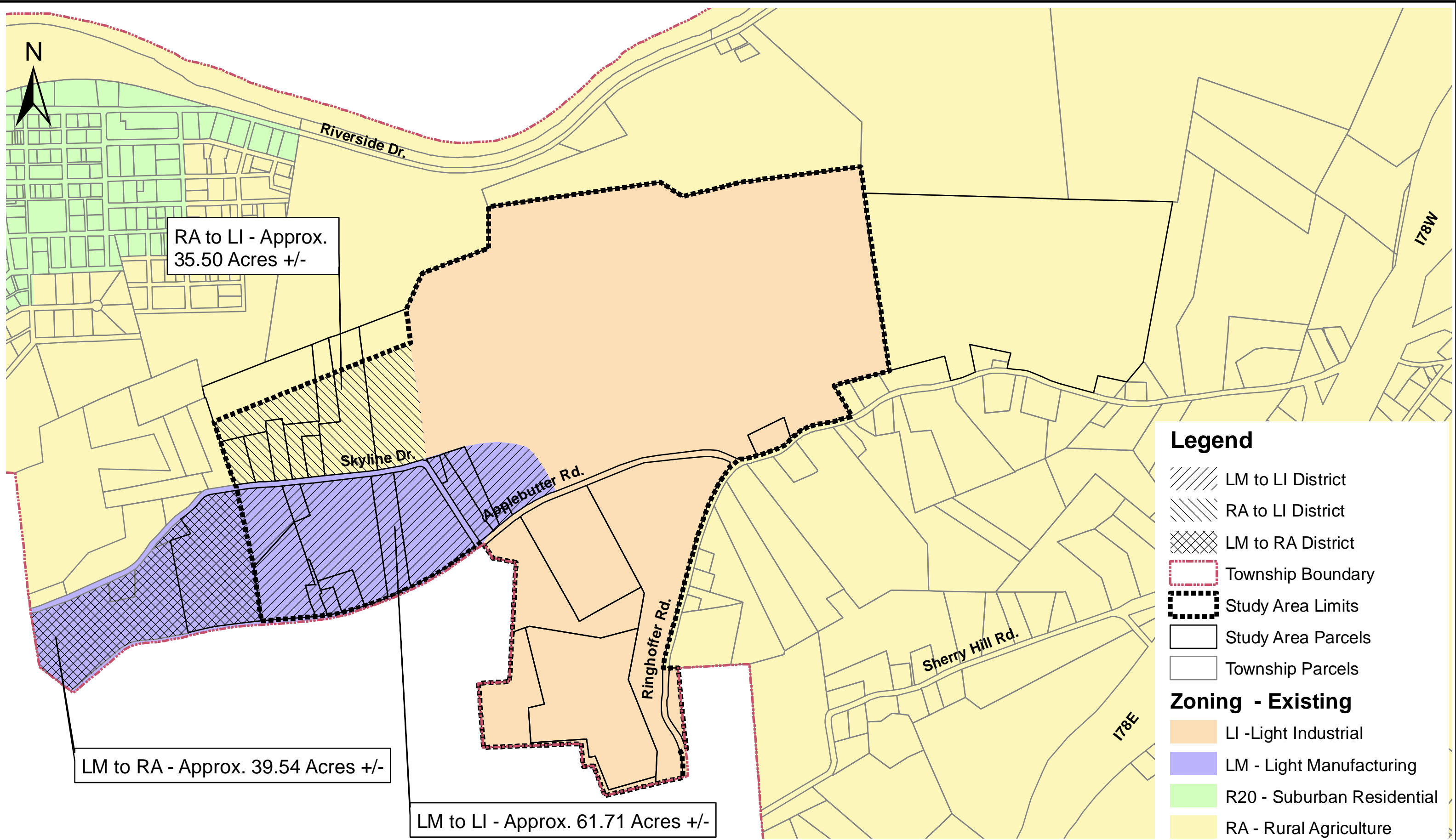
ENACTED and **ORDAINED** this _____ day of _____, 2013.

ATTEST:

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Manager

Glenn C. Kern
Council President



RA to LI - Approx.
35.50 Acres +/-

LM to RA - Approx. 39.54 Acres +/-

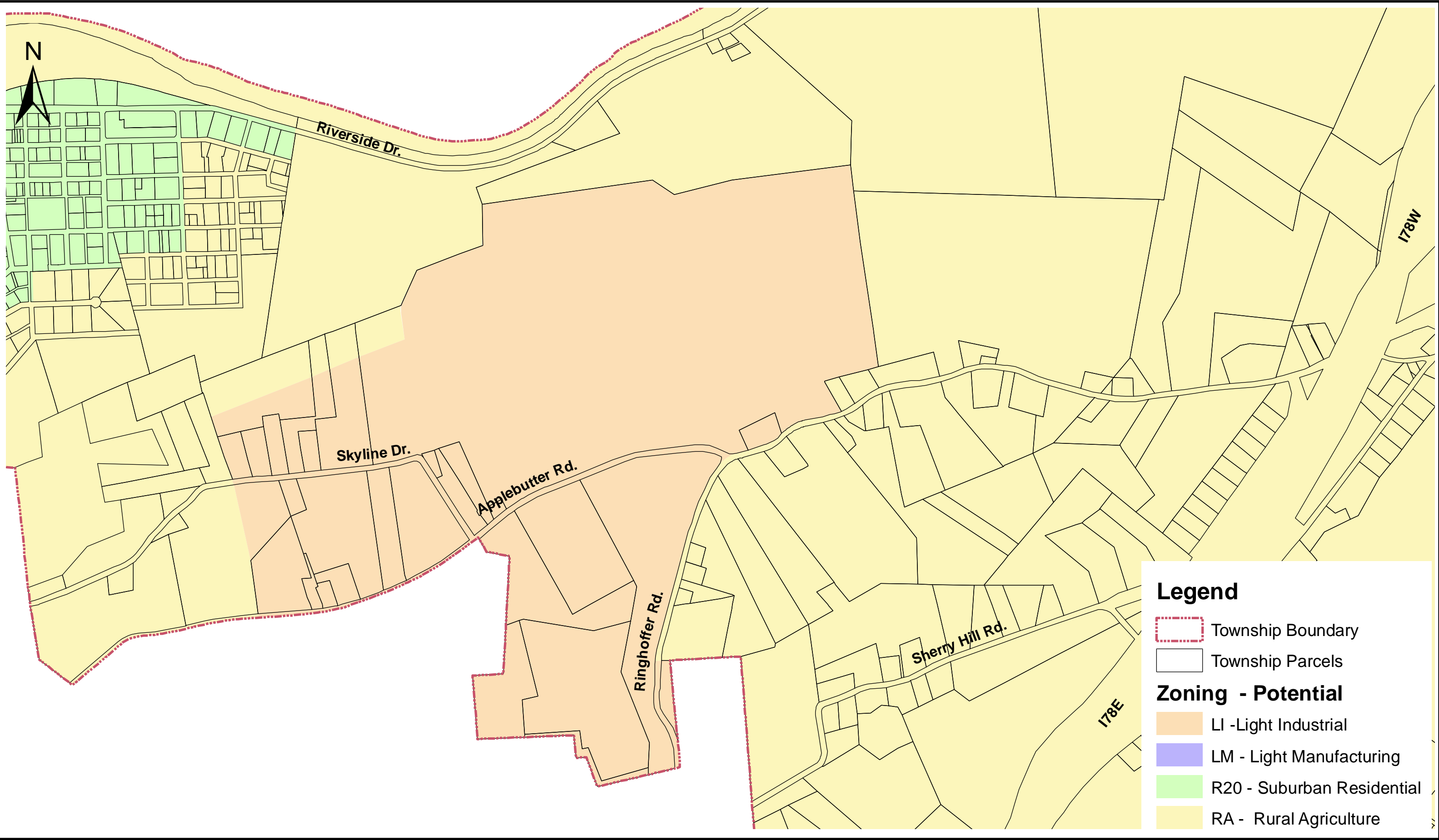
LM to LI - Approx. 61.71 Acres +/-

Legend

- LM to LI District
- RA to LI District
- LM to RA District
- Township Boundary
- Study Area Limits
- Study Area Parcels
- Township Parcels

Zoning - Existing

- LI - Light Industrial
- LM - Light Manufacturing
- R20 - Suburban Residential
- RA - Rural Agriculture



Legend

- Township Boundary
- Township Parcels

Zoning - Potential

- LI - Light Industrial
- LM - Light Manufacturing
- R20 - Suburban Residential
- RA - Rural Agriculture