

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 EDIMINATE THE LM ZONING DISTRICT AND THE REGULATIONS PROVIDED FOR THEREIN IN THEIR ENTIRETY, REVISING SECTION 180-109F2a 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 (2<sup>nd</sup>) 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 Light 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 also be 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.

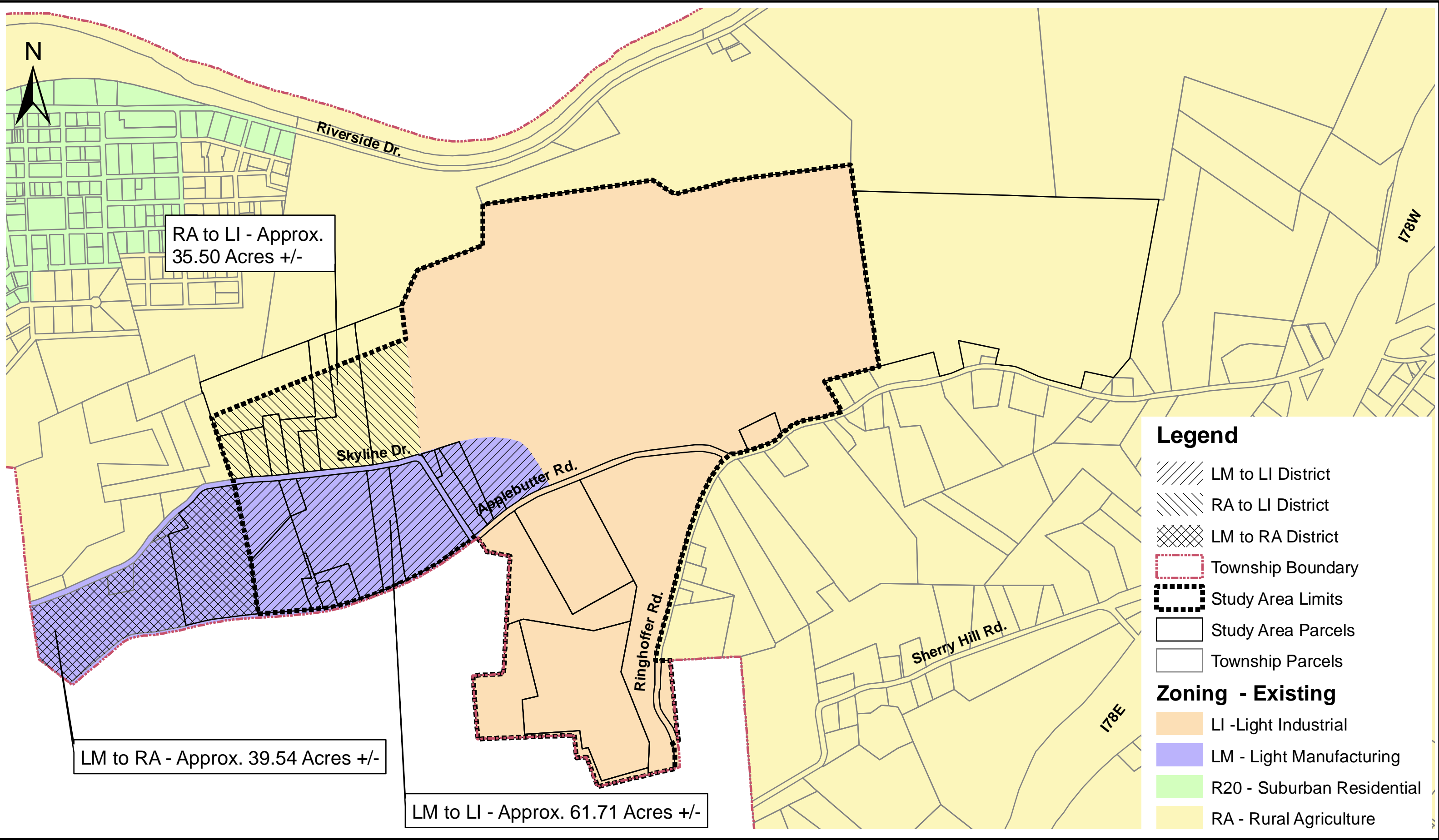
ENACTED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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



**LOWER SAUCON TOWNSHIP**

3700 Old Philadelphia Pike

Bethlehem, PA 18015

610-865-3291

# Memo

**To:** Lower Saucon Township Council

**From:** John Landis, Lower Saucon Township Planning Commission Chair

**Subject:** Potential Zoning Amendments – Applebutter Rd.  
Actions Taken at September 27, 2012 Meeting

**Date:** October 8, 2012

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The following action was taken by the Planning Commission at the September 27, 2012 meeting regarding Potential Zoning Amendments in the Applebutter Road area of the Township.

1. A motion was made by John Noble and seconded by (*couldn't tell who*) to recommend to Town Council that it is inappropriate to entertain a rezoning in the Applebutter Road area.

The motion carried 6-1 with Craig Kologie voting against





# LEHIGH VALLEY PLANNING COMMISSION

981 MARCON BOULEVARD, SUITE 310, ALLENTOWN, PENNSYLVANIA 18109  
610-264-4544 FAX 610-264-2616  
TOLL FREE 888-627-8808

MATTHEW GLENNON  
Chair  
  
KENT H. HERMAN  
Vice Chair  
  
LIESEL DREISBACH  
Treasurer

JUL 29 2013

July 26, 2013

Mr. Jack Cahalan, Township Manager  
Lower Saucon Township  
3700 Old Philadelphia Pike  
Bethlehem, PA 18015

**RE: Zoning Ordinance and Zoning Map Amendments**  
**Lower Saucon Ordinance #2013-04**  
*Removal of the Light Manufacturing district*  
*LM-RA, LM-LI and RA-LI zoning map amendments*  
*Removing certain uses from the LI zoning district*  
*Changing landfills and waste disposal facilities from special exception to conditional uses*  
*Providing for a "natural resource mitigation alternative" in the LI zoning district*  
**Lower Saucon Township**  
**Northampton County**

- S
- ROUTING**
- Council
  - Manager *Org*
  - Asst. Mgr.
  - Zoning
  - Finance
  - Police
  - P. Works
  - P/C
  - P & R
  - EAC
  - Engineer
  - Solicitor
  - Planner
  - Landfill
  - BMC
  - Other

Dear Mr. Cahalan:

The Lehigh Valley Planning Commission considered the subject amendments at its July 25, 2013 meeting pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). The Commission voted to forward the following comments.

The Lehigh Valley Planning Commission recommends the Township not enact these zoning map/ ordinance amendments and retain the existing zoning.

The zoning map changes of Light Manufacturing (LM) to Light Industrial (LI) and Rural Agriculture (RA) to LI provide for intense land uses in an area recommended for urban development by the County Comprehensive Plan. However, particular to the LI district is that landfills would be allowed

as conditional uses. The rezoning of the LM to LI removes a buffer between the City and landfill uses since landfill uses are not permitted in the Township's LM district. The rezoning of RA to LI merely moves already incompatible zoning further west.

The zoning map change of LM to RA on the western end of Applebutter Road also poses some unique considerations. This area is also recommended for urban development by the County Comprehensive Plan. The zoning map change would provide a compatible zoning district with the City of Bethlehem's Rural Residential (RR) zoning district immediately to the west but then creates an incompatibility with the City's industrial zoning across Applebutter Road. Further, the proposed RA district in this location would not be compatible with the proposed LI district. We believe the existing LM district remains a more appropriate zoning district.

Therefore, the rezonings are inconsistent with the County Comprehensive Plan.

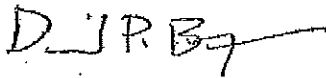
The rezoning of this area may have traffic impacts on Township, neighboring municipalities, and state owned roads. We believe those traffic impacts should be studied with the road improvements and responsible parties for those improvements identified before the zoning is granted. The LVPC believes that developers should pay for the infrastructure needs generated by their development.

Section #9 of the proposed ordinance requires the activities of surface mines, landfills, waste disposal facilities, waste transfer facilities or recycling facility activities to be conducted no less than 100 feet from a property boundary or zoning boundary line. We do not believe a 100 foot buffer nor the method of enforcing a setback from a zoning line are sufficient means to protect non-industrially zoned areas from the adverse impacts generated by those intensive uses. Further, the LVPC does not support the concept of dividing parcels by zoning lines where a parcel would contain two zoning districts. We believe that sets a negative precedent for other zoning districts in the Township and would be problematic to enforce buffering and setback requirements. Setback/buffering regulations are generally enforced from lot lines, not "zoning lines."

Section #10 of the proposed ordinance conflicts with the County Comprehensive Plan. This section allows an applicant to utilize and disturb a greater area of natural resources than would be otherwise permitted by the resource protection standards in the township zoning ordinance and allows the applicant to preserve an equal amount of land outside the LI district as open space. This open space does not need to contain the same environmental features that would be "utilized" or "disturbed." Further, if the applicant cannot provide that open space, it can contribute a fee in lieu dedication to the Township.

The LVPC does not support the implementation of Section #10 by the Township. The area proposed for these rezonings contains natural features identified as medium and high priority areas by the County Comprehensive Plan. The County Comprehensive Plan supports zoning regulations to protect the medium priority areas and the preservation of high and very high priority natural features; not their removal, substitution elsewhere or paying the Township because they are removed. It creates a negative precedent for a Township that has a large amount of significant natural features and resources. We believe the Township should continue to enforce their ordinances to protect and preserve these features.

Sincerely,



David P. Berryman  
Chief Planner

Cc: Darlene Heller, Planning Director, City of Bethlehem  
Judith Danko, Manager, Borough of Freemansburg  
Cathy Kichline, Manager, Borough of Hellertown  
Howard Kutzler, Manager, Bethlehem Township



# CITY OF BETHLEHEM

BUREAU OF PLANNING AND ZONING

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

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TDD: 610-865-7086

www.bethlehem-pa.gov

*Handwritten signature*

August 20, 2013

Jack Cahalan, Township Manager  
Lower Saucon Township  
3700 Old Philadelphia Pike  
Bethlehem PA 18055

19 22 2013

RE: Rezoning proposal – Applebutter Road

Dear Mr. Cahalan,

Below are the City of Bethlehem's comments related to the proposed rezoning of land in Lower Saucon Township along Applebutter Road. A portion of the centerline of Applebutter Road is the municipal boundary between the City of Bethlehem and Lower Saucon Township.

Our main concerns regarding the proposed rezoning is not based on the proposed zoning districts or possible land uses, but is based on the potential immediate impacts to traffic and road conditions and stormwater and utility impacts. Any new or expanded use will be required to handle all of the potential impacts from their development on the site.

1. Applebutter Road is a shared road jointly maintained by the Township and the City of Bethlehem. The road surface cannot support increased traffic, especially the anticipated increase in truck traffic due to a possible expanded landfill. Any expansion of the landfill shall require that the developers pay for any road improvements needed on Applebutter Road and other impacted roads because of increased truck traffic.

S

ROUTING 2. Stormwater leaching through the soil at the landfill flows into the sanitary sewer pump station on Applebutter Road. Most of the stormwater flow at the pump station is currently generated by the landfill. Any expansion to the landfill will require upgrades to the pump station that the developer will be expected to fund.

- Council
- Manager
- Asst. Mgr.
- Zoning
- Finance
- Police
- P. Works
- P/C
- P & R
- EAC
- Engineer
- Solicitor
- Planner
- Landfill
- EMC
- Other

3. In addition to any other required stormwater and E&S plan reviews, the City of Bethlehem's Engineering Bureau must review the stormwater and erosion and sedimentation plans to review and consider any impacts the expansion will have to the stream on the south side of Applebutter Road.

Any new developments shall be forwarded to the City of Bethlehem for complete review prior to any approval or conditional approval by Lower Saucon Township. Our office requests that any future rezonings, land developments or subdivisions that occur at our near our municipal boundary would be forwarded to our office as you receive them so that we may offer appropriate comment in a timely manner.

We look forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darlene L. Heller".

Darlene L. Heller, AICP  
Director of Planning and Zoning



## LOWER SAUCON TOWNSHIP

3700 Old Philadelphia Pike  
Bethlehem, PA 18015  
610-865-3291

# Memo

**To:** Lower Saucon Township Council

**From:** John Landis, Lower Saucon Township Planning Commission Chair

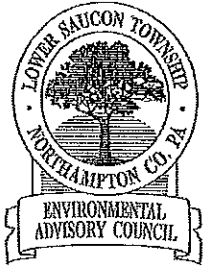
**Subject:** Applebutter Road Area Zoning Map and Text Amendment  
Actions Taken at August 22, 2013 Meeting

**Date:** August 28, 2013

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The following actions were taken by the Planning Commission at the August 22, 2013 meeting regarding the proposed Applebutter Road Area Zoning Map and Text Amendment:

1. A motion was made by John Noble and seconded by John Landis to recommend the Township Council not adopt the Zoning Map or Text Amendment. The motion failed 2-3. (Mr. Maxfield, Mr. Kennedy, Mr. Kologie – No)
2. A motion was made by Craig Kologie and seconded by Tom Maxfield to recommend the adoption of the Zoning Text Amendment, with the recommendation that if funds are collected as fee-in-lieu for Natural Resource Mitigation that they be used for dedication of open space, and the adoption of the Zoning Map Amendment, with further review of the Gardner property, as well as a 300' buffer from other uses. The motion was approved 3-2. (Mr. Landis, Mr. Noble – No)



## Environmental Advisory Council of Lower Saucon Township

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*Members:*

*Sandra Yerger, Chair  
Thomas Maxfield, Vice Chair  
Laura Ray, Secretary  
Ted Beardsley  
Allan Johnson  
Dru Germanoski  
Hazem Hijazi*

*Associate Members:*

*Glenn Kaye  
Michael Boyle  
Sarah Stanlick  
Hellertown Liaison:  
Terry Boos*

**To:** Lower Saucon Township Council

**From:** Sandra Yerger, Chairman

**Subject:** **Applebutter Road Zoning and Text Amendment Draft Ordinance**  
Actions taken at the September 10, 2013 Meeting

**Date:** September 11, 2013

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The following actions were taken by the Environmental Advisory Council at the September 10, 2013 meeting regarding the Applebutter Road Zoning and Text Amendment Draft Ordinance (No. 2013-04).

A motion was made by Allan Johnson, second by Dru Germonoski that:

The Lower Saucon Township EAC advise Lower Saucon Township Council that the environmental damage to the area within the proposed LI zone will be greater than if the zoning in the area is not changed.

The motion carried 6-1 (Mr. Maxfield – No)

A motion was made by Laura Ray, second by Allan Johnson that:

The EAC recommends to the Lower Saucon Township Council that the buffer area, if they rewrite the Ordinance No. 2013-04, in Section 180-109 F2.A1, it refers that certain industrial activities be conducted at least 100' from any property line or zoning boundary line and then it goes to another part. She would recommend increasing that buffer to the 300' as recommended by the P/C.

The motion carried 7-0