

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141-L

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009 BY AMENDING THE OFFICIAL ZONING MAP OF UPPER SAUCON TOWNSHIP TO DESIGNATE 101.009 ACRES OF LAND, KNOWN GENERALLY AS THE LOCUST VALLEY GOLF COURSE AND IDENTIFIED AS LEHIGH COUNTY TAX PARCELS 642303979014-1, 642323276494-1, 642333180696-1 AND 642333186703-1, AS AN AGE QUALIFIED COMMUNITY OVERLAY ZONE

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, pursuant to Article 9, Section 904.E, of the Upper Saucon Township Zoning Ordinance of 2009, as amended (hereinafter, "Zoning Ordinance"), CAMRRA, LLC, and Traditions of America, LP (hereinafter, "Applicants"), submitted a landowner request for an amendment to the Zoning Ordinance; and

WHEREAS, the land at issue is generally known as the "Locust Valley Golf Course" (hereinafter, "LVGC"); is in the Township's Suburban Residential (R-2) Zoning District; is located generally to the north of the Township border with Springfield Township and primarily to the south of Locust Valley Road (with a small portion of land located north of Locust Valley Road) and is approximately 101.009 acres in size (hereinafter, "Property"); and

WHEREAS, Applicants request an amendment to the Official Zoning Map of Upper Saucon Township to establish an Age Qualified Community Overlay Zone on the Property, all as more particularly described and depicted in **Exhibit "A;"** and

WHEREAS, Applicants acknowledge and agree that the Property is included in a Corrective Action Plan and Connection Plan approved by the Pennsylvania Department of Environmental Protection, which together provide for one hundred twenty-five (125) sanitary sewer EDUs and three (3) existing EDUs, for use in the development of the Property; and

WHEREAS, the Applicants propose the construction of one hundred twenty-five (125) single family dwelling units as an Age Qualified Community as that term is defined and used in the Zoning Ordinance (hereinafter, "AQC"); and

WHEREAS, as part of the AQC, the Applicants propose construction of a community and recreation facility which will utilize no more than four (4) sanitary sewer EDUs, three of which are presently available for the Property and a fourth which may require approval by the Borough of Coopersburg; and

WHEREAS, Traditions of America, LP (hereinafter, "TOA"), intends to develop and construct the AQC and acknowledges its obligation to provide "Common Open Space" in connection therewith pursuant to Section 214.I of the Zoning Ordinance; and

WHEREAS, that portion of the Property located to the north of Locust Valley Road is suitable for a well (hereinafter, "Northern Tract"); and

WHEREAS, because no sewer EDUs will be available for the development of the Northern Tract, TOA will dedicate the same to the Township in fee simple for the possible, future use and development as a production well for the Township water system; and

WHEREAS, TOA will convey the Northern Tract to the Township in an "as is" condition and without warranties or demolition of existing structures, and in further consideration therefor, the Township will credit to TOA in the form of water tapping fee credits in consideration for the water rights in an amount to be agreed upon by the parties; and

WHEREAS, TOA and the Township acknowledge that the Northern Tract may be applied to the "Common Open Space" requirement for the AQC as contained in Section 214.I(a) of the Zoning Ordinance; and

WHEREAS, the Township Board of Supervisors (hereinafter "Board") finds that the proposed map amendment is consistent with the criteria enumerated in the Zoning Ordinance for the establishment of an Age Qualified Community Overlay Zone; and

WHEREAS, the Board finds that the exercise of its legislative discretion to approve the requested map amendment is consistent with the public health, safety and general welfare.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendments to the Upper Saucon Township Zoning Ordinance:

SECTION 2: ZONING MAP AMENDMENT

The Official Zoning Map of Upper Saucon Township shall be amended such that a 101.009 acre portion of the tract of land identified as Lehigh County Tax Parcels 642303979014-1, 642323276494-1, 642333180696-1 and 642333186703-1 and known as the Locust Valley Golf Course, is designated as an Age Qualified Community Overlay Zone. A true and correct copy of a map indicating the precise area to be rezoned is attached hereto, made a part hereof and marked as "Exhibit A."

SECTION 3: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 10th day of OCTOBER, 2016, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**

CHAIRMAN

VICE CHAIRMAN

SUPERVISOR

SUPERVISOR

SUPERVISOR

ATTEST:

SECRETARY

