

**TOWNSHIP OF UPPER SAUCON  
LEHIGH COUNTY, PENNSYLVANIA  
ORDINANCE NO. 141-N**

**AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009 BY AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE TWO TRACTS OF LAND TOTALING 2.0880 +/- ACRES AND LOCATED AT THE CORNER OF ROUTE 378 AND PRESTON LANE, LEHIGH COUNTY PROPERTY IDENTIFICATION NUMBERS 642427903648 AND 642427826771, ALSO KNOWN AS 5737 PA ROUTE 378 AND 5706 OLD BETHLEHEM PIKE, AS A VILLAGE COMMERCIAL OVERLAY ZONE PURSUANT TO SECTION 221 OF THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED.**

**SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS**

**WHEREAS**, Mihalis, LLC (hereinafter, "Landowner") submitted a request for an amendment pursuant to Article 9 Section 904 of the Upper Saucon Township Zoning Ordinance of 2009 (hereinafter, "Zoning Ordinance"); and

**WHEREAS**, the request seeks to amend the Official Zoning Map to create a new Village Commercial (VC) Overlay Zone comprised of two tracts of land totaling approximately 2.0880 acres located at the corner of PA Route 378 and Preston Lane in the Township (hereinafter, "Premises"); and

**WHEREAS**, the Premises are also known as 5737 PA Route 378 (PIN 642427903648) and 5706 Old Bethlehem Pike (PIN 642427826771); and

**WHEREAS**, the Landowner proposes to expand its restaurant operation known as "The Copperhead Grille" by allowing for increased parking and outdoor dining service; and

**WHEREAS**, the Landowner's restaurant operation is located in the Township's Suburban Residential (R-2) Zoning District, and as such is a pre-existing, non-conforming use; and

**WHEREAS**, the proposed VC Overlay Zone encompasses part of the Township's R-2 Zoning District and abuts and is adjacent to residential properties; and

**WHEREAS**, the proposed VC Overlay Zone is situated along arterial and collector roads; and

**WHEREAS**, the proposed VC Overlay Zone is served by municipal sanitary sewer and water; and

**WHEREAS**, the proposed VC Overlay Zone is not inconsistent with the character of the neighborhood, and the Comprehensive Plans of the Township and Lehigh and Northampton Counties; and

**WHEREAS**, the Landowner will be required to comply with Section 221 of the Zoning Ordinance relating to development within the VC Overlay Zone; and

**WHEREAS**, to accommodate abutting and adjacent landowners, the Landowner has submitted to the Township for review a certain plan prepared by Ott Consulting Inc., dated September 22, 2016, titled "Preliminary Buffer Strip Plan" (hereinafter, "Buffer Plan"); and

**WHEREAS**, the "Buffer Plan" represents the minimum requirements which will apply to the review of any future land development plan for the Premises under Section 221.N, relating to screening; and

**WHEREAS**, it is believed that permitting the Premises to be designated as a VC Overlay Zone provides an appropriate mechanism for the Landowner to reasonably expand a non-conforming use while protecting nearby residential uses; and

**WHEREAS**, the VC Overlay Zone will permit development of the subject properties with small scale and locally oriented retail and service businesses that comply with specific design standards that foster a local character of development and allow for pedestrian access, scale and orientation; and

**WHEREAS**, designation of the Premises as a VC Overlay Zone does not violate established legal principles; and

**WHEREAS**, the proposed map amendment is consistent with the criteria enumerated in the Zoning Ordinance for the establishment of a VC Overlay Zone; and

**WHEREAS**, the exercise of 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 amendment to the Upper Saucon Township Zoning Ordinance of 2009, as amended:

**SECTION 2: ZONING MAP AMENDMENT**

1. The Upper Saucon Township Zoning Ordinance of 2009 is hereby amended by amending the Official Zoning Map to designate two tracts of land, totaling 2.0880 +/- acres and located at the corner of PA Route 378 and Preston Lane, Lehigh County Property Identification Numbers 642427903648 and 642427826771, also known as 5737 PA Route 378 and 5706 Old Bethlehem Pike, as a Village Commercial (VC) Overlay Zone. A true and correct copy of the Map Amendment indicating the precise area to be rezoned to receive the VC Overlay is attached hereto, made a part hereof and marked as "Exhibit A."

2. If the Premises are developed pursuant to Section 221 of the Zoning Ordinance, the visual screen required by Section 221.N to screen the Premises from the abutting residential use shall be constructed in substantial compliance with the Buffer Plan, unless otherwise revised by the Board of Supervisors.

3. The foregoing Legislative Findings are incorporated herein by reference and made a part hereof.

**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**

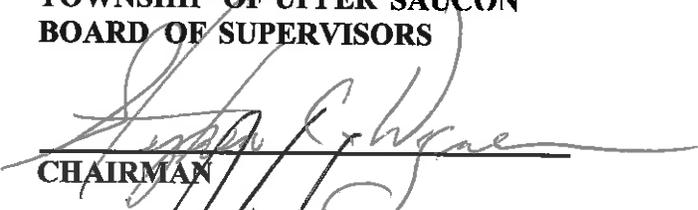
This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

**SECTION 5: SAVINGS CLAUSE**

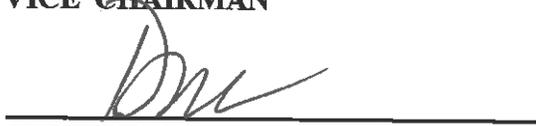
To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the 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 21<sup>st</sup> day of NOVEMBER, 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

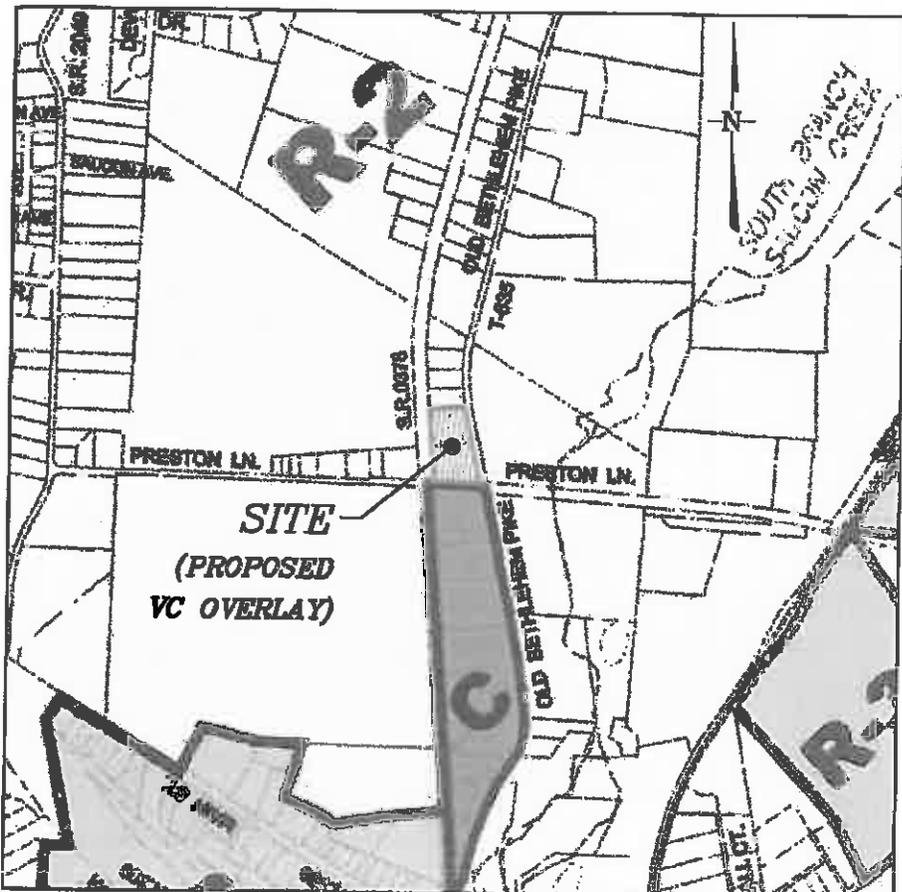
  
\_\_\_\_\_  
SUPERVISOR

  
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SUPERVISOR

  
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SUPERVISOR

ATTEST:

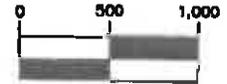
  
\_\_\_\_\_  
SECRETARY



SOURCE: UST ZONING MAP (2012).

**ZONING MAP**  
SCALE: 1" = 1000'

**GRAPHIC SCALE**



( IN FEET )

1 inch = 1,000 ft.

**ZONING KEY**

<b>A</b>	AGRICULTURAL PRESERVATION
<b>R-1</b>	RURAL RESIDENTIAL
<b>R-2</b>	SUBURBAN RESIDENTIAL
<b>R-3</b>	MULTI-FAMILY RESIDENTIAL
<b>OSR</b>	OPEN SPACE RESIDENTIAL
<b>C</b>	COMMERCIAL
<b>I</b>	INDUSTRIAL
<b>SMC</b>	SOUTH MOUNTAIN CONSERVATION
<b>E</b>	ENTERPRISE
<b>AOO</b>	AGE QUALIFIED COMMUNITY OVERLAY
<b>VC</b>	VILLAGE COMMERCIAL OVERLAY

**Ott**  
**CONSULTING INC.**  
CIVIL ENGINEERS • SURVEYORS •  
LANDSCAPE ARCHITECTS • GIS SERVICES  
LEHIGH VALLEY OFFICE • 222 MAIN STREET, EMMAUS, PA 18049  
P: 610-928-4697 www.ott.com P: 610-928-4695

**COPPERHEAD GRILLE**  
**ZONING MAP CHANGE**  
UPPER SAUCON TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA

DRAWN/APPROVED JB/JLO	DATE 9-23-16	PROJECT NO. COPP 1601
SCALE 1" = 1,000'	REVISION NO. 1	SHEET NO. 1 OF 1

**EXHIBIT**  
**A**