

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

ORDINANCE NO. 141-H

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED, BY ADDING DEFINITIONS RELATING TO INDIVIDUAL LOT GRADING PLANS AND CERTIFICATES OF COMPLIANCE WITH INDIVIDUAL LOT GRADING PLANS; AMENDING OR DELETING CERTAIN OPERATION AND PERFORMANCE STANDARDS AND AMENDING REQUIREMENTS FOR CERTIFICATES OF COMPLIANCE WITH INDIVIDUAL LOT GRADING PLANS

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on June 9, 2009, the Board of Supervisors of Upper Saucon Township (hereinafter, "Supervisors") enacted a comprehensive amendment to the Upper Saucon Township Zoning Ordinance; and

WHEREAS, the Supervisors have, from time to time, amended the Zoning Ordinance to, among other things, clarify and simplify terminology; and

WHEREAS, the Supervisors have determined that certain requirements of the Zoning Ordinance relating to operation and performance standards are difficult or impractical for Township Staff to enforce and are in fact subject to enforcement by other regulatory authorities possessing more expertise and resources; and

WHEREAS, the Supervisors find that the individual lot grading provisions of the Zoning Ordinance have, in some circumstances, created a potential for an overly restrictive impact on property owners; and

WHEREAS, the Supervisors desire to modify certain provisions of the Zoning Ordinance to address these concerns in a manner consistent with these findings.

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 of 2009, as amended.

SECTION 2: ZONING ORDINANCE TEXT AMENDMENTS

1. The definition of "AREA OF DISTURBANCE" found at Section 113, relating to specific words and phrases, is deleted in its entirety and the following is substituted therefore:

"AREA OF DISTURBANCE" – The total land area within a lot proposed to be built upon, graded, cleared, covered with an impervious surface, or otherwise altered that is one thousand (1,000) square feet or greater in size during any 24 month period commencing with the date of zoning permit application."

2. Section 113, relating to specific words and phrases, is amended to add the following definition:

"CERTIFICATE OF COMPLIANCE WITH GRADING PERMIT (CERTIFICATE OF COMPLIANCE)" – A statement, signed by the Zoning Officer stating that work performed pursuant to a grading permit complies with the requirements of the approved Individual Lot Grading Plan."

3. The introductory statement to Section 312, titled "NOISE STANDARDS", is deleted in its entirety and the following is substituted therefore:

"312.A. Except for agricultural, horticultural, forestry-related uses, and activities customarily associated with residential uses and as provided in Section 312.B of this Ordinance, no use shall generate exterior noise levels in excess of those listed in the following table:"

4. Section 317.B, titled "**AIR POLLUTION, AIRBORNE EMISSIONS, AND ODOR**", is deleted in its entirety.

5. Section 317.C, titled "**ELECTRICAL, DIESEL, GAS OR OTHER POWER**", is deleted in its entirety.

6. Section 317.D, titled "**FIRE AND EXPLOSIVES**", is deleted in its entirety.

7. Section 317.E, titled "**GLARE AND HEAT**", is deleted in its entirety.

8. Section 317.F, titled "**MATERIALS AND WASTE STORAGE, HANDLING AND DISPOSAL**", is hereby renumbered Section 317.B.

9. Section 317.G, titled "**MINE RECLAMATION AND OPEN PIT SETBACK**", is deleted in its entirety.

10. Section 317.H, titled "NOISE POLLUTION", is deleted in its entirety.
11. Section 317.I, titled "RADIATION, RADIOACTIVITY ELECTRICAL INTERFERENCE", is deleted in its entirety.
12. Section 317.J, titled "SEWAGE AND OTHER WASTE DISPOSAL", is deleted in its entirety.
13. Section 317.K, titled "VIBRATION", is deleted in its entirety.
14. Section 317.L, titled "WATER QUALITY", is deleted in its entirety.
15. Section 902, titled "Required Inspections for Uses Requiring Individual Lot Grading Plans", is deleted in its entirety and reserved for future use as follows:

"902. [Reserved]."

16. Section 308, titled "Individual Lot Grading Plans" is amended to add the following:

"308.D REQUIRED INSPECTIONS FOR NEWLY CONSTRUCTED DWELLINGS

1. **When Required.** Where an Individual Lot Grading Plan is required pursuant to Section 308 of this Ordinance, no owner or occupant shall use or occupy a newly constructed dwelling without first obtaining a Certificate of Compliance.

2. **Prerequisites.** Receipt of a Certificate of Compliance shall be conditioned upon Township approval of the following:

- (a). the as-built foundation plan; and
- (b). the as-built final grading plan;

both as more particularly set forth in 308.D.3 and 308.D.4, respectively.

3. **As-Built Foundation Plan.** Upon completion of the footers and foundation walls, four (4) copies of an as-built foundation plan shall be submitted. The plan shall be prepared by a registered professional engineer, landscape architect, or professional land surveyor. Prior to commencement of further construction the owner shall secure written confirmation from the Township that the foundation complies with this Ordinance and is within tolerance of the elevation specified on the approved Individual Lot Grading Plan. If the first floor elevation is not within tolerance of the elevation specified on the approved

Individual Lot Grading Plan, the owner shall correct the actual elevation or submit and receive approval of a revised individual lot grading plan (subject to payment of applicable fees) prior to any further construction on the site.

4. **As-Built Final Grading Plan.** At such time as all grading is complete, and the lot is seeded and stabilized, the owner shall submit four (4) copies of an as-built final grading plan for approval by the Township Engineer and schedule a final grading inspection. The as-built final grading plan shall be prepared by a professional engineer, landscape architect, or professional land surveyor. Upon approval by the Township Engineer of the final grading and approval of the as-built final grading plan, the Township will issue a Certificate of Compliance.

5. **Temporary Certificate of Compliance.** If the final grading, stabilization, and seeding cannot be completed because of the non-growing season (defined herein as October 1 through May 15), the owner may obtain a Temporary Certificate of Compliance. An owner receiving a Temporary Certificate of Compliance for the reason set forth above shall promptly complete the required lot grading, seeding, and stabilization; schedule an inspection; submit four (4) copies of an as-built final grading plan and obtain Township approval thereof no later than June 15.

6. **Individual Lot Grading Plan Fee.** The fee collected for the Individual Lot Grading Plan permit shall include the review of one, proposed grading plan, one as-built foundation plan and one as-built final grading plan. It shall also include the inspection. Additional work necessitated by plan revisions may result in additional fees.

308.E. COMPLIANCE WITH INDIVIDUAL LOT GRADING PLAN
Every owner or occupant of land for whom an Individual Lot Grading Plan is approved under this Section shall comply with the requirements of the Individual Lot Grading Plan or otherwise be subject to the enforcement provisions of this Ordinance.”

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

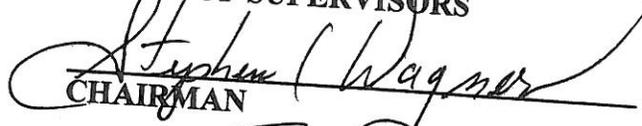
This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

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 14th day of July, 2014, 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