

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

**ORDINANCE NO. 141-K**

**AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED, TO MODIFY THE AREA AND DESIGN REQUIREMENTS WITHIN THE SUBURBAN RESIDENTIAL (R-2) ZONING DISTRICT FOR SINGLE-FAMILY DETACHED DWELLING LOTS WITH ON-SITE SEWER THAT WERE APPROVED BEFORE THE EFFECTIVE DATE OF ORDINANCE NO. 141 AND TO MODIFY SECTION 413 RELATING TO "BEEKEEPING" TO ELIMINATE THE LIMITATION ON ZONING DISTRICTS IN WHICH SUCH ACTIVITY IS A PERMITTED ACCESSORY USE**

**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, which amendment is known as Ordinance No. 141 (hereinafter, "Zoning Ordinance"); and

**WHEREAS**, the Supervisors have, from time to time, amended the Zoning Ordinance; and

**WHEREAS**, on October 4, 2010, the Supervisors enacted Ordinance No. 141-A to amend the Zoning Ordinance; and

**WHEREAS**, Ordinance No. 141-A, at Revision 28, amends Section 212.H relating to "AREA & DESIGN REQUIREMENTS WITHIN THE R-2 ZONE"; and

**WHEREAS**, Section 212.H contains no grandfathering provisions with respect to lots for single-family detached dwellings with on-site sewer that were approved before the effective date of Ordinance No. 141; and

**WHEREAS**, Section 212.H increases generally the minimum required lot area for single-family detached dwellings while decreasing the maximum permitted impervious coverage; and

**WHEREAS**, the Zoning Ordinance of 1986, as amended, provided for a maximum building coverage on a per lot basis, but the Zoning Ordinance of 2009, as amended, now provides for a maximum impervious lot coverage, making exact comparison difficult; and

**WHEREAS**, the Zoning Ordinance of 2009, as amended, provides for a maximum permitted impervious lot coverage of 20% in the R-1 Zone and 30% in the R-3 Zone; and

**WHEREAS**, a maximum permitted impervious lot coverage of 25% in the R-2 Zone is consistent with this zoning plan; and

**WHEREAS**, the Supervisors have determined that the decrease in the maximum permitted impervious lot coverage in the Zoning Ordinance of 2009, as amended, adversely affects the use and development of pre-existing and non-conforming residential lots having a lot area less than the minimum required lot area set forth in Section 212.H; and

**WHEREAS**, the Supervisors desire to address this adverse impact by modifying the area and design requirements for such lots by grandfathering and updating requirements of lots for single-family detached dwellings with on-lot sewer that were approved prior to the effective date of the Zoning Ordinance of 2009, as amended; and

**WHEREAS**, the Supervisors desire to amend regulations relating to beekeeping by authorizing such activity as an accessory use to agricultural / horticultural uses and single family detached residences in all Zoning Districts.

**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. Section 212.H is amended to delete Figure 212.H in its entirety and substitute the following Figure 212.H therefore:

See Exhibit "A" which is attached hereto and incorporated herein by reference.

2. Section 413.A is deleted in its entirety and the following is substituted therefore:

"413.A. Beekeeping is a permitted accessory use to an agricultural or horticultural use or single family detached residence in every Zoning District where such principal uses are permitted or otherwise exist by right, subject to the following criteria:"

## **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 of 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.

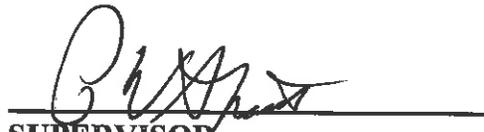
**DULY ENACTED AND ORDAINED** this 12<sup>th</sup> day of SEPTEMBER, 2016, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania in lawful session duly assembled.

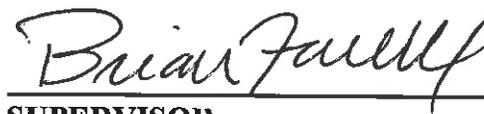
**TOWNSHIP OF UPPER SAUCON  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
**CHAIRMAN**

  
\_\_\_\_\_  
**VICE CHAIRMAN**

  
\_\_\_\_\_  
**SUPERVISOR**

  
\_\_\_\_\_  
**SUPERVISOR**

  
\_\_\_\_\_  
**SUPERVISOR**

**ATTEST:**

  
\_\_\_\_\_  
**SECRETARY**

FIGURE 212.H. AREA & DESIGN RELEMENTS WITHIN THE R-2 ZONE

| USE                                                                                                                                     | MINIMUM REQUIRED LOT AREA | Minimum Required Lot Width |                 | Required Minimum Yard Setbacks |                    |                     |                    | Agricultural Buffer Strip | Maximum Permitted Impervious Lot Coverage | Maximum Permitted Building Height |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|-----------------|--------------------------------|--------------------|---------------------|--------------------|---------------------------|-------------------------------------------|-----------------------------------|
|                                                                                                                                         |                           | At Building Setback        | At Lot Frontage | Front                          | One Side           | Both Sides          | Rear               |                           |                                           |                                   |
| Uses of Township agencies and authorities                                                                                               | None                      | None                       | None            | None                           | None               | None                | None               | None                      | 100%                                      | Unlimited                         |
| Single-family detached dwellings with on-lot sewer and on-lot water                                                                     | 2 acres <sup>1</sup>      | 200 ft.                    | 150 ft.         | 50 ft.                         | 25 ft.             | 50 ft.              | 50 ft.             | 100 ft. <sup>2</sup>      | 15%                                       | 35 ft.                            |
| Single-family detached dwellings with either public sewer or public water                                                               | 1.5 acres                 | 150 ft.                    | 120 ft.         | 50 ft.                         | 25 ft.             | 50 ft.              | 50 ft.             | 100 ft. <sup>2</sup>      | 20%                                       | 35 ft.                            |
| Single-family detached dwellings with public sewer and public water that are approved <u>after the effective date of this Ordinance</u> | 1 acre                    | 150 ft.                    | 120 ft.         | 50 ft.                         | 25 ft.             | 50 ft.              | 50 ft.             | 100 ft. <sup>2</sup>      | 20%                                       | 35 ft.                            |
| Lots for single-family detached dwellings with public sewer that were approved <u>before the effective date of this Ordinance</u>       | -                         | 100 ft.                    | 80 ft.          | 25 ft.                         | 15 ft.             | 30 ft.              | 30 ft.             | None                      | 30%                                       | 35 ft.                            |
| Lots for single-family detached dwellings with on-lot sewer that were <u>approved before the effective date of this Ordinance</u>       | -                         | 100 ft.                    | 80 ft.          | 25 ft.                         | 15 ft.             | 30 ft.              | 30 ft.             | None                      | 25%                                       | 35 ft.                            |
| Other principal uses                                                                                                                    | 1 acre <sup>1</sup>       | 100 ft.                    | 80 ft.          | 50 ft.                         | 25 ft.             | 50 ft.              | 50 ft.             | 100 ft. <sup>2</sup>      | 30%                                       | 35 ft.                            |
| Residential Accessory structures                                                                                                        | NA                        | NA                         | NA              | 100ft.                         | 5 ft. <sup>3</sup> | 10 ft. <sup>3</sup> | 5 ft. <sup>3</sup> | 15 ft. <sup>2</sup>       | Included in above                         | 20 ft.                            |

Conservation Design Developments Approved under Section 427 of this Ordinance can include single family detached dwelling and duplex units at an increased density. Minimum lot sizes are smaller and the respective related design standards are much more flexible in return for the provision of common open space

<sup>1</sup>All uses relying upon on-lot sewers shall comply with Section 315 of this ordinance.

<sup>2</sup>No part of a principal residence or other principal building shall be located within one hundred feet (100') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes. No part of a residential or other accessory structure shall be located within fifteen feet (15') of any adjoining property within the Agricultural Zone, unless such adjoining property is developed for non-agricultural purposes.

<sup>3</sup>Accessory structures exceeding 720 square feet of gross floor area shall comply with the applicable principal use setbacks.

