

10/25/06 Draft

11/01/06 rev.

11/09/06 rev.

TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-10

AN ORDINANCE OF LOWER SAUCON TOWNSHIP, AMENDING THE LOWER SAUCON TOWNSHIP CODIFIED ORDINANCE, CHAPTER 180, AS AMENDED, TO AMEND CERTAIN REQUIREMENTS IN THE CURRENT EXISTING CHAPTER 180, MORE SPECIFICALLY AS FOLLOWS: BY REVISING SECTION 180-95.B(1) REGARDING NATURAL RESOURCES AND PROTECTION RATES; BY REVISING SECTION 180-95.B(5), SECTION 180- 95.B(5)(a), SECTION 180-95.B(5)(b) REGARDING WETLANDS, WATERS OF THE COMMONWEALTH AND WATERS OF THE U.S.; BY REVISING SECTION 180-95.B.6(a) REGARDING WETLAND BUFFERS; BY REVISING SECTION 180- 95(B)(7)(a) REGARDING RIPARIAN BUFFERS; BY REVISING SECTION 180- 95.C(2)(d)[2] REGARDING NET BUILDABLE SITE AREA; BY REVISING AND ADDING CERTAIN DEFINITIONS CONTAINED IN SECTION 180-5 (DEFINITIONS; WORD USAGE) AND BY REVISING CERTAIN OTHER SECTIONS OF CHAPTER 180 TO PROVIDE CONSISTENCY WITH THE ABOVE-MENTIONED REVISIONS.

WHEREAS, the Lower Saucon Township Council adopted the Lower Saucon Township Zoning Ordinance, Ordinance 2002-03 on February 20, 2002, as amended; and

WHEREAS, the Lower Saucon Township Council desires to amend the Zoning Ordinance to provide for protection of the Township's natural resources.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of Lower Saucon Township, that the Lower Saucon Township Zoning Ordinance, Ordinance 2002-03, as amended, is hereby further amended as follows:

SECTION 1

Zoning Ordinance Section 180-5 – Definitions; word usage – the following definitions shall be revised in their entirety as follows:

RIPARIAN BUFFER – All areas located within 100' of any delineated Waters of the Commonwealth, Waters of the U.S., or other perennial or intermittent watercourse.

WETLAND – Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any area identified as a wetland or in accordance with the Pennsylvania Department of Environmental Protection or delineated by any other qualified wetlands scientist.

WETLAND BUFFER - All areas within 50' from the edge of any wetland.

SECTION 2

Zoning Ordinance Section 180-5 – Definitions; word usage – shall be amended to include the following definitions:

WATERCOURSE – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite

direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

### SECTION 3

Zoning Ordinance Section 180-95.B(1) – Natural Resources and Protection Rates – shall be amended in its entirety to read as follows:

(1) The applicant for a subdivision, land development and/or building permit shall be required to identify all natural resources on a lot when submitting an application for a subdivision, land development and/or building permit. This inventory shall include the following resources: floodplains, floodplain soils, wetlands, Waters of the U.S., Waters of the Commonwealth, all other perennial and intermittent streams, lakes and ponds, riparian, wetland, lake and pond buffers, steep slopes, rock outcrops, woodlands, environmentally sensitive woodlands, carbonate geology areas, and watershed protection areas.

### SECTION 4

Zoning Ordinance Section 180-95.B(5) – Wetlands, Waters of the Commonwealth and Waters of the U.S. – shall be amended in its entirety to read as follows:

(5) Wetlands, Waters of the U.S., Waters of the Commonwealth, Perennial and Intermittent Watercourses

### SECTION 5

Zoning Ordinance Section 180-95.B(5)(a) – shall be amended in its entirety to read as follows:

(a) Wetlands, Waters of the U.S., Waters of the Commonwealth, perennial and intermittent watercourses shall include all areas defined as such by this ordinance.

### SECTION 6

Zoning Ordinance Section 180-95.B(5)(b) – shall be amended in its entirety to read as follows:

(b) Wetlands, Waters of the U.S., Waters of the Commonwealth, perennial and intermittent watercourses shall have a protection rate of 100%. No structures, filling, piping or regarding shall be permitted within any of these areas.

### SECTION 7

Zoning Ordinance Section 180-95.B(6)(a) – Wetland Buffers - shall be amended in its entirety to read as follows:

(a) Wetland buffers shall consist of the area within fifty feet (50') from the edge of any wetland. These areas shall be utilized to protect the quality of bodies of water.

### SECTION 8

Zoning Ordinance Section 180-95.B(7)(a) – Riparian Buffers - shall be amended in its entirety to read as follows:

(a) Riparian buffers shall include all areas located within one hundred feet (100') of any Waters of the U.S., Waters of the Commonwealth, perennial or intermittent watercourse. These areas shall be utilized to protect the quality of bodies of water.

### SECTION 9

Zoning Ordinance Section 180-95.C(2)(d)[2] - shall be amended in its entirety to read as follows:

[2] Find Square Footage of net Buildable Site Area x 43,560

### SECTION 10

Severability – The provisions of this Ordinance are severable. If any sentence, clause, or Section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid; such Decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this

Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

**SECTION 11**

Repealer – All ordinance and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 12**

Effective Date – This Ordinance shall become effective five (5) days after adoption thereof.

ENACTED and ORDAINED this 20th day of December, 2006.