

**BOROUGH OF CATASAUQUA  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1380**

**AN ORDINANCE AMENDING THE BOROUGH OF CATASAUQUA ZONING  
ORDINANCE BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE  
ZONING DESIGNATION OF AN APPROXIMATE 5.62 ACRE PORTION OF  
THE LANDS OF THE CATASAUQUA AREA SCHOOL DISTRICT LOCATED  
WEST OF AND ALONG NORTH 14<sup>TH</sup> STREET FROM CONSERVATION (CN)  
TO MEDIUM DENSITY RESIDENTIAL (R-2)**

**SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS**

**WHEREAS**, pursuant to the Borough Code and the Pennsylvania Municipalities Planning Code, both as amended, the Borough of Catasauqua (hereinafter, “Borough”) adopted a comprehensive Zoning Ordinance; and

**WHEREAS**, Borough Council (hereinafter, “Council”) acknowledges and concurs with to promote and allow smart growth and to enhance residential and commercial development opportunities afforded through the Pennsylvania Municipalities Planning Code, as amended, as the means and methodology opportunities in the Borough; and

**WHEREAS**, the Catasauqua Area School District (hereinafter, “CASD”) is the owner of an approximate 15.62 acre tract of land in the Borough located across from the Sheckler Elementary School and west of North 14<sup>th</sup> Street; and

**WHEREAS**, 11.79 acres of the tract are zoned Conservation (CN) and the remaining 3.83 acres are zoned Low Density Residential (R-1); and

**WHEREAS**, the CASD has filed a landowner request pursuant to Section 280-8 of the Zoning Ordinance to amend the Official Zoning Map to re-zone a 5.62 acre portion of the 11.79 acre portion of the Conservation tract to Medium Density Residential (R-2); and

**WHEREAS**, the afore-described 5.62 acre tract to be re-zoned is a part of PINs 640930910114, 640930827588 and 640930701820, extends along the west side of North 14<sup>th</sup> Street and is hereinafter referred to as the “Premises;” and

**WHEREAS**, the Premises is depicted on two (2) drawings, the first dated September 11, 2018, and the second dated August 28, 2018, last revised October 23, 2018, prepared by Cowan Associates, Inc., and attached hereto and incorporated herein by reference as **Exhibit A** and

**WHEREAS**, a precise legal description of the Premises, dated August 29, 2018, last revised November 29, 2018, and prepared by Cowan Associates is attached hereto

and incorporated herein by reference as **Exhibit B**; and

**WHEREAS**, the CASD acknowledges that the Borough is marketing and developing its downtown district so as to attract business, increase property values, improve the quality of life of its citizens and to emphasize the Borough's historical significance; and

**WHEREAS**, to achieve those goals, the Borough is applying for grants to lay out, develop and construct greenways and trail systems suitable for recreational activities such as walking and cycling; and

**WHEREAS**, the parties acknowledge and agree that trails and greenways reduce traffic and congestion, increase property values, promote tourism and enhance the quality of life; and

**WHEREAS**, it is a goal of the Borough to connect trails and greenways to other municipalities and municipal entities, including the CASD; and

**WHEREAS**, to that end, and in recognition of the fact that the Premises are currently zoned Conservation; the CASD agrees that prior to the sale of the Premises for development it will grant to the Borough an exclusive easement in perpetuity for the purpose of constructing, operating, repairing and maintaining a trail suitable for walking and cycling on and across the Premises so as to provide a connection between the remaining land zoned Conservation and 14<sup>th</sup> Street, with said easement being 12 feet in width and located along the northerly boundary of the Premises and/or such other location as may be agreed by the Borough and the CASD and with all construction, operation and maintenance responsibilities being those of the Borough; and

**WHEREAS**, with the reservation of the aforesaid easement over the Premises, Council finds the proposed amendment consistent with the public health, safety and welfare and otherwise lawful as the Premises are bordered to the south by the R-2 Zoning District and this amendment provides for an extension of the existing R-2 Zone together with the preservation of a connection between the remaining CN zone and 14<sup>th</sup> Street.

**NOW, THEREFORE**, the Borough Council of the Borough of Catasauqua does hereby enact and ordain the following amendment to the Borough of Catasauqua Zoning Ordinance of 2004, as amended:

## **SECTION 2: ZONING MAP AMENDMENT**

1. The Borough of Catasauqua Zoning Ordinance of 2004, as amended, is hereby further amended by amending the Official Zoning Map to change the zoning designation of the Premises, the same being a 5.62 acre (more or less) portion of land described and depicted in **Exhibits A** and **B** and being a part of PINs 640930910114, 640930827588

and 640930701820, from Conservation (CN) to Medium Density Residential (R-2).

2. True and correct copies of depictions of the map amendment indicating the precise area to be rezoned and a legal description of the same are attached hereto as **Exhibits A and B**, respectively, and a true and correct copy of the applicable part of the revised, Official Zoning Map is attached hereto as **Exhibit C**.

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

**SECTION 3: EFFECTIVE DATE**

This Ordinance shall become effective after enactment by the Borough Council of the Borough of Catasauqua and mayoral approval or otherwise as required by the Borough Code.

**SECTION 4: 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 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 4<sup>th</sup> day of February, 2019, by the Borough Council of the Borough of Catasauqua, Lehigh County, Pennsylvania, in lawful session duly assembled.

**BOROUGH OF CATASAUQUA**

**BY:** \_\_\_\_\_  
**Vincent Smith, Council President**

**ATTEST:** \_\_\_\_\_  
**Steve Travers, Secretary**

**AND NOW**, this 4<sup>th</sup> day of February, 2019, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Catasauqua in due course.

**BY** \_\_\_\_\_  
**Barbara Schlegel, Mayor**