

ORDINANCE NO. 1375

AN ORDINANCE AMENDING THE BOROUGH OF CATASAUQUA ZONING ORDINANCE BY AMENDING SECTION 280-80.B, RELATING TO UNIFIED DEVELOPMENT STANDARDS IN THE WATERFRONT (W) ZONING DISTRICT, TO CLARIFY AND CONFIRM THE INTENT THAT THE LAYING OUT OF STREETS, WHETHER PUBLIC OR PRIVATE, IN A PROPOSED, MIXED-USE DEVELOPMENT DOES NOT WITHOUT MORE CREATE A “LOT” AS THAT TERM IS OTHERWISE DEFINED IN THE ZONING ORDINANCE

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, Borough Council (hereinafter, “Council”) acknowledges and concurs with opportunities afforded by the Pennsylvania Municipalities Planning Code, as amended, to promote and authorize smart growth policies within the Borough; and,

WHEREAS, Council desires to encourage innovation in land use by utilizing mixed forms of development so that the growing demand for housing and commercial development may be met by a greater variety in type, design and layout of dwellings and other buildings and structures; and,

WHEREAS, Council desires to promote the economic revitalization of the Borough’s downtown area and the community in general; and

WHEREAS, to that end, in 2013, the Borough purchased approximately 13 acres of industrial land from F.L. Smidth, which land was the site of the former Crane Iron Works, and more recently the Fuller Company; and

WHEREAS, Council constructed the municipal complex on a portion of that land designated Lot 1 and is promoting the private development of the remainder which is designated Lot 2; and

WHEREAS, Council amended the Zoning Ordinance in or about August, 2016, to create the Waterfront (W) Zoning District to promote the mixed-use development of Lot 2; and

WHEREAS, Council intends that the mixed-use development be a unified development and to that end has incorporated such standards into the Waterfront Zoning District; and

WHEREAS, Council desires to clarify its intent that a developer which proposes a series of streets as part of a proposed, mixed-use development in that District does not propose or create lots solely by virtue of the layout or construction of said streets; and

WHEREAS, Council desires to amend Section 280-80, titled “Unified development standards” accordingly; and

WHEREAS, Council finds that such an amendment promotes the objective and goals of the District and thus is consistent with the public health, safety and general welfare.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Catasauqua, County of Lehigh and Commonwealth of Pennsylvania:

SECTION 2: TEXT AMENDMENT

1. The Borough of Catasauqua Zoning Ordinance of February 2, 2004, as amended, is hereby further amended by deleting Section 280-80.B in its entirety and substituting the following therefore:

“B. The applicant may subdivide the tract in order to create separate leaseholds, boundaries for mortgages or other purposes, provided such subdivision is shown in a recorded subdivision plan. The above notwithstanding, the laying out, proposal, design or construction of public or private streets shall not in and of itself create a lot or subdivision within a mixed use development authorized hereunder, and the intent to subdivide shall be clearly depicted on the recorded subdivision plan.”

SECTION 3: EFFECTIVE DATE

This Ordinance shall become effective immediately after enactment by Council of the Borough of Catasauqua and Mayoral approval or in the alternative pursuant to Section 3301.3 of 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 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 provisions 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.

ORDAINED AND ENACTED this 5th day of November 2018.

BOROUGH OF CATASAUQUA

BY: 

Vincent Smith
President of Council

ATTEST: 

Stephen Travers, Borough Secretary

APPROVED this 5th day of November 2018.

BY: 

Barbara A. Schlegel
Mayor