

BOROUGH OF STOCKERTOWN
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO.

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF STOCKERTOWN, CHAPTER 250, ZONING, R-1 RESIDENTIAL AREA AND BULK REGULATIONS, MU MIXED USE DISTRICT AREA AND BULK REGULATIONS, NONCONFORMING STRUCTURE RESTORATION, AND STEEP SLOPE DEFINITIONS, STEEP SLOPE RESTRICTIONS, AND EXCEPTIONS TO STEEP SLOPE RESTRICTIONS.

BE IT ENACTED AND ORDAINED by Borough Council of the Borough of Stockertown, County of Northampton, Commonwealth of Pennsylvania, and is hereby enacted and ordained by authority of the same, pursuant to the provisions of Act 247 of 1968 (P.L. 805), Article VI, Section 601, as amended (53 P.S. 10601, et seq.), that the Code of Ordinances of the Borough of Stockertown, Northampton County, Pennsylvania, Chapter 250, ZONING, is hereby amended as follows:

SECTION 1: Article IV - R-1 Residential subsection §250-16 entitled *Area and bulk regulations* is hereby modified by deleting the crossed-out language and adding the underscored language:

§ 250-16 Area and bulk regulations.

| | Without Public Sewer | With Public Sewer |
|----------------------------|----------------------|--|
| Lot Area — Minimum | | |
| Single-family detached | 1 acre | <u>20,000 square feet</u> 12,000 square feet |
| Single-family semidetached | 1 acre/unit | <u>12,000 square feet</u> 9,000 square feet |
| Other permitted uses | 2 acres | <u>1 acre</u> 20,000 square feet |

| | Without Public Sewer | With Public Sewer |
|--|--------------------------------------|--|
| Minimum Lot Width and Building Line | | |
| Single-family detached | 180 feet | <u>130 feet</u> 90 feet |
| Single-family semidetached | 150 feet | <u>80 feet</u> 45 feet |
| Other permitted uses | 200 feet | <u>150 feet</u> 100 feet |
| Maximum Building Coverage | | |
| Single-family detached | 20% | 25% |
| Single-family semidetached | 20% | 25% |
| Other permitted uses | 30% | 40% |
| Maximum Lot Coverage | | |
| Single-family detached | 30% | 40% |
| Single-family semidetached | 30% | 40% |
| Other permitted uses | 50% | 60% |
| Front yard, minimum | <u>40 feet</u> 30 feet | <u>40 feet</u> 30 feet |
| Rear yard, minimum | <u>40 feet</u> 35 feet | <u>40 feet</u> 35 feet |
| Side yards, minimum | 25 feet | <u>20 feet</u> 10 feet |
| Maximum building height | 2 stories or 35 feet | 2 stories or 35 feet |
| Minimum square footage living space | 1,000 square feet | 1,000 square feet |

SECTION 2: Article V - MU Mixed Use District subsection §250-20 subsection (B) entitled *Area and bulk regulations* is hereby modified by deleting the crossed-out language and adding the underscored language:

§ 250-20 Area and bulk regulations.

| | Without Public Sewer | With Public Sewer | Minimum Living Square Footage (square feet) |
|--|----------------------|--|---|
| Lot area — minimum | | | |
| Single-family detached | 1 acre | <u>20,000</u> 9,000 square feet | 1,000 |
| Single-family semidetached and two-family detached | 1 acre/unit | <u>15,000</u> 6,500 square feet | 1,000 |
| Multifamily dwellings (tract) | Not permitted | <u>1 acre</u> 20,000 square feet | 1,000 |
| Maximum gross density (tract) | | 6 DU/ac* | |
| Maximum net density | | 8 DU/ac* | |
| Mixed use | 1 acre/use | <u>20,000</u> 15,000 square feet | |

| | Without Public Sewer | With Public Sewer | Minimum Living Square Footage (square feet) |
|---------------------------|----------------------|-------------------|---|
| Lot area — minimum | | | |
| Other permitted uses | 1 acre/use | 8,000 square feet | |
| Mobile home park | Not permitted | 5 acres | 800 |
| Maximum gross density | | 6 DU/ac* | |

NOTE:

* DU/ac = Dwelling unit per acre.

| | Without Public Sewer | With Public Sewer |
|--|---------------------------------|--------------------------------|
| Minimum Lot Width at Building Line | | |
| Single-family detached | 180 feet 150 feet | 130 feet 50 feet |
| Single-family semidetached and two-family detached | 150 feet | 80 feet 40 feet |
| Multifamily dwellings (tract) | | 80 feet |
| Mixed use | 200 feet | 80 feet |
| Other permitted uses | 200 feet | 60 feet |
| Mobile home park | | 200 feet |
| Maximum Building Coverage | | |
| Single-family detached | 20% | 25% 45% |
| Single-family semidetached and two-family detached | 20% | 25% 45% |
| Multifamily dwellings (tract) | | 40% 45% |
| Mixed use | 30% | 55% |
| Other permitted uses | 30% | 55% |
| Mobile home park | | 40% |
| Maximum Lot Coverage | | |
| Single-family detached | 30% | 40% 60% |
| Single-family semidetached and two-family detached | 30% | 40% 60% |
| Multifamily dwellings (tract) | | 60% |
| Mixed use | 50% | 70% |
| Other permitted uses | 50% | 70% |
| Mobile home park | | 40% |
| Front and Rear Yard, Minimum | | |
| Single-family detached | 35 feet | 35 feet |
| Single-family semidetached and two-family detached | 25 feet | 25 feet |
| Multifamily dwellings (tract) | | 40 feet |
| Mixed use | 35 feet | 35 feet |
| Other permitted uses | 35 feet | 35 feet |
| Mobile home park | | 25 feet |
| Side Yards, Minimum | | |
| Single-family detached | 25 feet | 20 feet 15 feet |
| Single-family semidetached and two-family detached | 25 feet | 20 feet 10 feet |

| | Without Public Sewer | With Public Sewer |
|------------------------------------|-----------------------------|--------------------------|
| Minimum Lot Width at Building Line | | |
| Multifamily dwellings (tract) | | 25 feet |
| Mixed use | 25 feet | 15 feet |
| Other permitted uses | 25 feet | 15 feet |
| Maximum building height | 3 stories or 35 feet* | |

NOTE:

* Except that by special exception, for every one foot above 35 feet, there shall be one foot added to each of the required yards, up to 65 feet.

SECTION 3: Article XII - Nonconforming Uses, Structures, Lots and Signs subsection §250-90 subsection (B) entitled *Restoration* is hereby modified by deleting the crossed-out language and adding the underscored language:

Any lawful, nonconforming building or other structure which has been involuntarily damaged or destroyed ~~by 75% or less of its value~~ by fire, explosion, windstorm, other active cause or legally condemned may be reconstructed in the same location **and of the same size without seeking relief from the Zoning Board from current building setbacks, minimum lot widths or minimum lot areas**, provided that:...

SECTION 4: Article XVI - Steep Slopes has been added to the Zoning Ordinance and includes the following language:

§ 250-124 Definitions

Construction Area – Pertaining to the Steep Slope Ordinance, a construction area shall include area proposed to be graded; area within 15 feet of existing and proposed, principal or accessory buildings; area within 40 feet of the rear of a principal building; area of existing or proposed impervious surface; area within 10 feet of existing or proposed impervious surfaces.

Steep Slopes – Areas of 400 square feet or more with slopes greater than 15% which shall be regulated by the Borough to prevent accelerated erosion and increase stormwater runoff flows.

§ 250-125 Steep Slope Restrictions

The following, whichever is most restrictive, shall apply for dwellings or principal uses using public water and sewer service:

If the maximum slope of the construction area is: **The minimum lot area shall be:**

Less than 15%

No additional requirements under this Subsection.

If the maximum slope of the construction area is: **The minimum lot area shall be:**

15% to 25%

2 acres with a 125 feet minimum lot width.

Greater than 25%

Earthmoving prohibited except as permitted by special exception by this Section.

§ 250-126 Exceptions to Steep Slope Restrictions

1. Small Areas of Slope

- (1) If the areas of 15% or greater slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements specified within the Steep Slope Restrictions to apply.
- (2) If the areas of greater than 25% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements specified within the Steep Slope Restrictions to apply.

2. If the applicant proves to the satisfaction of the Zoning Hearing Board under the special exception procedures that all of the following conditions would be met:

- (1) That disturbance of such slopes is necessary to allow development of a single permitted principal use or single principal building on an undeveloped existing lot of record of at least six acres. This shall not permit disturbance of slopes of greater than 25% for expansion of an existing use or building.
- (2) That slopes of over 30% will not be altered or disturbed.
- (3) That there are no areas of less than 25% slope on the lot that are reasonably physically suitable for the construction area.

SECTION 5: All Ordinances or portions thereof which are inconsistent with this Ordinance are hereby specifically repealed.

SECTION 6: If any section, subsection, paragraph, sentence, clause or portion or part of this Ordinance shall be declared to be invalid or unconstitutional by any Court of record or of competent jurisdiction, then, in that event, the remaining portions of this Ordinance shall remain unaffected and remain in full force and effect.

SECTION 7: This Ordinance shall be effective immediately.

ORDAINED and ENACTED this _____ day of _____, 2020.

BOROUGH OF STOCKERTOWN

ATTEST:

BY: _____
AMY RICHARD, Council President

ANITA CAUGHY, Secretary

I HEREBY APPROVE THE ABOVE ORDINANCE.

KEN ZEMENCSEK, Mayor