

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-6**

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF LEHIGH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE TO AMEND CHAPTER 180-107(B) AND (C) ENTITLED PRINCIPAL SOLAR ENERGY SYSTEMS TO REMOVE PRINCIPAL SOLAR ENERGY SYSTEMS FROM AGRICULTURAL/RURAL RESIDENTIAL (A/RR), VILLAGE RESIDENTIAL (VR), RESORT COMMERCIAL (RC), NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), OFFICE BUSINESSS ZONE, AND BLUE MOUNTAIN CONSERVATION (BMC) ZONING DISTRICTS.

THE BOARD OF SUPERVISORS OF LEHIGH TOWNSHIP, County of Northampton, Commonwealth of Pennsylvania, hereby enacts and ordains the following amendments to Lehigh Township Zoning Ordinance as set forth in the Code of the Lehigh Township Zoning Ordinance Chapter 180 and as subsequently amended; and

WHEREAS, the Township adopted Ordinance No. 2012-12 which was incorporated into the Township Code of ordinances as Chapter 180-107(B) and (C) and which provided for the use of Principal Solar Energy Systems within the majority of zoning districts within Lehigh Township; and

WHEREAS, after investigation and application of Ordinance 2012-12 Lehigh Township believes the most appropriate zoning district to permit Principal Solar Energy Systems use as set forth in Section 180-107 is in the Industrial (I) Zoning District.

WHEREAS, the Township believes this amendment to Ordinance 2012-12 is necessary as the Agricultural/Rural Residential (A/RR), Village Residential (VR), Resort Commercial (RC), Neighborhood Commercial (NC), General Commercial (GC), Office Business Zone, and Blue Mountain Conservation (BMC) are not appropriate zoning districts for said principal solar energy systems as set forth in 180-107.

WHEREAS, the Township believes this amendment to Ordinance 2012-12 will better guide and regulate the orderly growth, development and redevelopment of the Township in accordance with the goals, objectives and plans of the Township's Comprehensive Plan. These goals, objectives in plans are hereby incorporated as objectives of this Ordinance; and

WHEREAS, to protect the established character and social and economic well-being of private and public property and to ensure proper development and uses of property and to ensure all uses are accounted for and developed in accordance with the characteristics of the surrounding neighborhood; and

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows:

1. **SECTION 1:** Section 180-107 entitled, “Principal Solar Energy Systems” is hereby amended by deleting the crossed-out language and adding the underlined language in Section 180-107 subsections (B) and (C) as follows:

- B. A principal solar energy system shall be a conditional use in any the Industrial (I) zoning district and subject to specific criteria as set forth in Subsection D below.
- C. A principal solar energy system shall be a conditional use in any the Industrial (I) zoning district as a principal use herein, subject to the specific criteria listed below in Subsection D. If a facility is classified and defined as a “principal solar energy production facility,” it shall be deemed a principal use.

2. **SECTION 2:** Section 180-16 entitled, “Agricultural/Rural Residential Zone (A/RR) is hereby amended by deleting Section 180-16(D) entitled, “Conditional uses” by deleting subsection D(6):

~~(6) — Principal solar energy systems (see §180-107. [Added 10-23-2012 by Ord. 2012-2].~~

3. **SECTION 3:** Section 180-17 entitled, “Village Residential Zone (VR) is hereby amended by deleting portions of Section 180-18M entitled, “Conditional uses” by deleting subsection D(2):

~~(2) — Principal solar energy systems (see §180-107. [Added 10-23-2012 by Ord. 2012-2].~~

4. **SECTION 4:** Section 180-18 entitled, “Resort Commercial (RC) is hereby amended by deleting Section 180-M(1) entitled, “Conditional uses”.

~~(1) Principal solar energy systems (see §180-107.~~

5. **SECTION 5:** Section 180-19 entitled, “Neighborhood Commercial Zone (NC) is hereby amended by deleting Section 180-19(M) entitled, “Conditional uses” by deleting subsection M(1):

~~(1) Principal solar energy systems (see §180-107)~~

6. **SECTION 6:** Section 180-20 entitled, “General Commercial Zone (GC) is hereby amended by deleting portions of Section 180-20D entitled, “Conditional Uses” by deleting subsection (D)(2):

(1) ~~Principal solar energy systems (see §180-107)~~

7. **SECTION 7:** Section 180-21 entitled, "Office Business Development is hereby amended by deleting Section 180-21F entitled, "Conditional uses" by deleting subsection (f)(2):

(2) ~~Principal solar energy systems (see §180-107.
[Added 10-23-2012 by Ord. 2012-2].~~

8. **SECTION 8:** Section 180-23 entitled, "Blue Mountain Conservation Zone (BMC) is hereby amended by deleting Section 180-23(D) entitled, "Conditional uses" by deleting subsection D(2):

(2) ~~Principal solar energy systems (see §180-107.
[Added 10-23-2012 by Ord. 2012-2].~~

9. **SECTION 7. SEVERABILITY.**

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared 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 of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

10 **SECTION 8. REPEALER.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED as an ordinance as a regular meeting of Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, this _____ day of _____ 2023.

ATTEST:

LEHIGH TOWNSHIP

Secretary

Chairman, Board of Supervisors