

BOROUGH OF WILSON
ORDINANCE NO. 812

AN ORDINANCE AMENDING CHAPTER 170 OF THE CODE OF THE BOROUGH OF WILSON, NORTHAMPTON COUNTY, PENNSYLVANIA, THE 2011 ZONING ORDINANCE OF THE BOROUGH OF WILSON, AS AMENDED, TO ESTABLISH A REDEVELOPMENT OVERLAY DISTRICT AND STANDARDS THEREFOR AND TO CHANGE THE OFFICIAL ZONING MAP TO DESIGNATE CERTAIN LANDS LOCATED WITHIN THE I-1 GENERAL INDUSTRIAL DISTRICT TO THE NORTH OF THE CENTERLINE OF U.S. ROUTE 22 AS BEING INCLUDED WITHIN THE REDEVELOPMENT OVERLAY DISTRICT

WHEREAS, the Borough of Wilson, County of Northampton, Commonwealth of Pennsylvania, recognizes that the former lands of Pfizer Pigments Inc. located along Hackett Avenue and Wood Avenue to the north of U.S. Route 22 are blighted and underutilized;

WHEREAS, the Borough of Wilson desires to encourage and incentivize reinvestment in such previously developed or underutilized industrial lands via additional development opportunities (i.e., reuse, infill and redevelopment);

WHEREAS, the Borough of Wilson desires to establish a Redevelopment Overlay District and to provide for an optional set of standards that encourage reinvestment and promote flexibility, economy, and ingenuity in development (i.e., reuse, infill and redevelopment).

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Wilson, County of Northampton, Commonwealth of Pennsylvania, in regular meeting assembled, as follows:

SECTION 1: Chapter 170, Article IV, Section 25 of the Borough Code is hereby amended in its entirety to read as follows:

A. The Borough of Wilson is hereby divided into the following seven districts:

- R-1 Low-Density Residential District
- R-2 Medium-Density Residential District
- H-1 Hospital-Medical District
- TC Town Center District

- C-1 Local Commercial District
- C-2 General Commercial District
- I-1 General Industrial District

B. The Borough of Wilson provides for the following overlay districts:

- PRD Planned Residential Development Overlay District
- RD Redevelopment Overlay District

SECTION 2: Chapter 170 of the Borough Code is hereby amended to include the following language as a new Article XVIII, Sections 98 through 106:

Article XVIII Redevelopment Overlay District

§ 170-98 Purpose.

The purpose of the Redevelopment Overlay District is to:

- A. Recognize the uniqueness of previously developed or underutilized industrial land and the manmade and environmental constraints inhibiting reuse, infill or redevelopment;
- B. Encourage and incentivize reinvestment in such previously developed or underutilized industrial land via additional development (i.e., reuse, infill and redevelopment) opportunities; and
- C. Provide an optional set of standards that help to encourage reinvestment and promote flexibility, economy, and ingenuity in development (i.e., reuse, infill and redevelopment), which generally is consistent with the applicable provisions of the Pennsylvania Municipalities Planning Code, including Article VI (specifically §§ 603(c)(5), 603(c)(6), 605(2)(vii) and 605(3)), the Lehigh Valley Regional Comprehensive Plan and the Borough Comprehensive Plan/Statement of Community Development Objectives (§ 170-6).

§ 170-99 Optional Overlay District Concept.

The Redevelopment Overlay District shall be an optional overlay district for certain land as depicted on the Zoning Map (§ 170-26, Zoning Map). While the Redevelopment Overlay District confers alternative use and development options to be employed at the discretion of the Applicant, any land located within the Redevelopment Overlay District may be developed pursuant to either the standards of the Redevelopment Overlay District or the standards of the underlying zoning district, but not both. Although the Redevelopment Overlay District does not in any manner remove or alter the rights permitted by the underlying zoning district, the use of one or more of the Redevelopment Overlay District standards set forth in this Article XVIII (Redevelopment Overlay District) requires compliance with all applicable Redevelopment Overlay District standards.

§ 170-100 Applicability and Exemptions.

- A. All provisions of this chapter shall apply to the Redevelopment Overlay District, except where specific provisions in this Article XVIII (Redevelopment Overlay District):
1. Exempt certain projects from specific provisions of other sections of this chapter; or
 2. Differ from or conflict with specific provisions of other sections of this chapter.

In either case, the provisions in this Article XVIII (Redevelopment Overlay District) shall control.

- B. For any project that requires land development plan approval by the Borough Council via Chapter 153 (Subdivision and Land Development), the provisions of the following sections of this chapter shall not apply, except to the extent as described herein this section below:

1. Traffic impact requirements (§ 170-85). The provisions of § 170-85 (Traffic Impact Requirements) shall apply, except that (i) any project having a major traffic impact shall be permitted by right, provided that the major traffic impact study is submitted with the land development plan and (ii) the site plan review procedures under § 170-11 shall not apply.
2. Environmentally sensitive areas requirements (§§ 170-86.B through 170-86.G). Disturbances to environmentally sensitive areas that are not permitted under §§ 170-86.B through 170-86.G, and grading within any floodplain or floodway area that is required for stream relocation and/or modification, shall be permitted in the Redevelopment Overlay District, provided that a permit or approval from the Pennsylvania Department of Environmental Protection, the Northampton County Conservation District, and/or U.S. Army Corps of Engineers, as applicable, is issued to authorize such disturbance.

- C. Retaining Wall Height.

The height limitations of § 170-91.C (Height of Fences) shall not apply to retaining walls that are designed in compliance with all applicable building code requirements of Chapter 86A (Uniform Construction Code).

- D. Off-Street Parking Demand Calculation Method. In lieu of the method of calculating the required minimum number of off-street parking spaces as set forth in § 170-95.A (Off-Street Parking), the applicant for development may calculate the parking demand based on accepted standards, such as published in the most recent version of the Institute of Transportation Engineers Parking Generation Manual or another acceptable standard, including studies from a previous project with similar parking requirements. Uses not specifically listed in the most recent version of the Institute of Transportation Engineers Parking Generation Manual or another acceptable standard shall comply with the requirements for the most similar use listed in the applicable publication, unless the Applicant proves, to the satisfaction of the Zoning Officer, that an alternative standard should be used for that use.

§ 170-101. Required Utilities.

Public water and public sanitary sewer systems shall serve the project site.

§ 170-102 Permitted By Right Uses.

Except for the uses that specifically are listed in § 170-103 (Conditional Uses) as permitted by conditional use, all other uses that are permitted in the C-2 District (Article X) and/or the I-1 District (Article XI) shall be permitted by right in the Redevelopment Overlay District, provided the applicable requirements for specific uses in § 170-83 (Uses) are met.

§ 170-103 Conditional Uses.

Only the following uses are permitted by conditional use in the Redevelopment Overlay District, provided the applicable requirements for specific uses in § 170-83 (Uses) are met:

- A. F-4 Telecommunications facility.
- B. G-16 Lawful Use Not Otherwise Permitted.

§ 170-104 Area and Dimensional Requirements.

The following size regulations shall apply:

- A. Minimum lot width (feet): 40.
- B. Minimum yards (feet):
 - (1) Front yard: 10.
 - (2) Rear yard: 10.
 - (3) Side yard (each): 10.
- C. Maximum building height for the principal building (feet): 60.
- D. Maximum building coverage (%): 60.
- E. Multiple principal uses shall be permitted on a parcel or tract.

§ 170-106 Modification of Standards.

Consistent with §§ 603(c)(5) and 605(3) of the Pennsylvania Municipalities Planning Code, the Borough Council may, by conditional use approval, authorize a modification of the Redevelopment Overlay District standards set forth herein Article XVIII (Redevelopment Overlay District), or other area, dimensional and design-related standards of the Zoning Ordinance, which impact the layout and design of the use or development of land in the Redevelopment Overlay District, in order to encourage the use of innovative design. Any conditional use application requesting a modification of a Redevelopment Overlay District standard or other applicable zoning standard shall be subject to the following standards:

- A. The modification is generally consistent with the applicable elements of the:
1. Intended purpose of the Redevelopment Overlay District (§ 170-98);
 2. Purposes of the Zoning Ordinance (§ 170-5); and
 3. Borough Comprehensive Plan/Statement of Community Development Objectives (§ 170-6).
- B. The modification will not result in any danger to the public health and safety, nor adversely impact adjoining properties or future inhabitants or occupants of the Redevelopment Overlay District.
- C. The modification will allow for equal or better results and represents the minimum amount of relief necessary to ensure compliance with the applicable standard.

SECTION 3: Chapter 170, Article IV, Section 26 of the Borough Code is amended to change the Zoning Map of the Borough of Wilson to designate as being located within the Redevelopment Overlay District such lands that are located in the I-1 General Industrial District to the north of the center of the right of way of U.S. Route 22, with such area consisting of (i) the portions of Northampton County Parcel Id. Nos. L9-14-4-0837, L9-23-1-0837, L9-21-2-0837, L9-22-1-0837, L9-NW3C-1-1-0837, L9-NW3D-1-2-0837, L9-14-3-0837, L9-9-1-0837, L9-6-1C-0837 and L9-6-1-0837 that are located within the Borough of Wilson, (ii) the portion of the right of way of U.S. Route 22 that is located within the I-1 General Industrial District and to the north of the centerline of the right of way of U.S. Route 22, and (iii) the entirety of the rights of way of Hackett Avenue, Wood Avenue and any other streets that are located within the I-1 General Industrial District and to the north of the center line of the right of way of US Route 22, all of which areas are designated to be located within the Redevelopment Overlay District, as generally depicted as the hatched area labeled "Redevelopment Overlay District" on the map attached and incorporated as Exhibit A.

SECTION 3: Except only as amended, modified and changed herein, Chapter 170 of the Borough Code, as originally enacted and as previously amended, shall remain in all other respects in full force and effect.


SECTION 4: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance or Chapter 170 of the Borough Code as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 170 of the Borough Code. The Council of the Borough of Wilson hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 5: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED this 23rd day of October, 2023.

ATTEST:

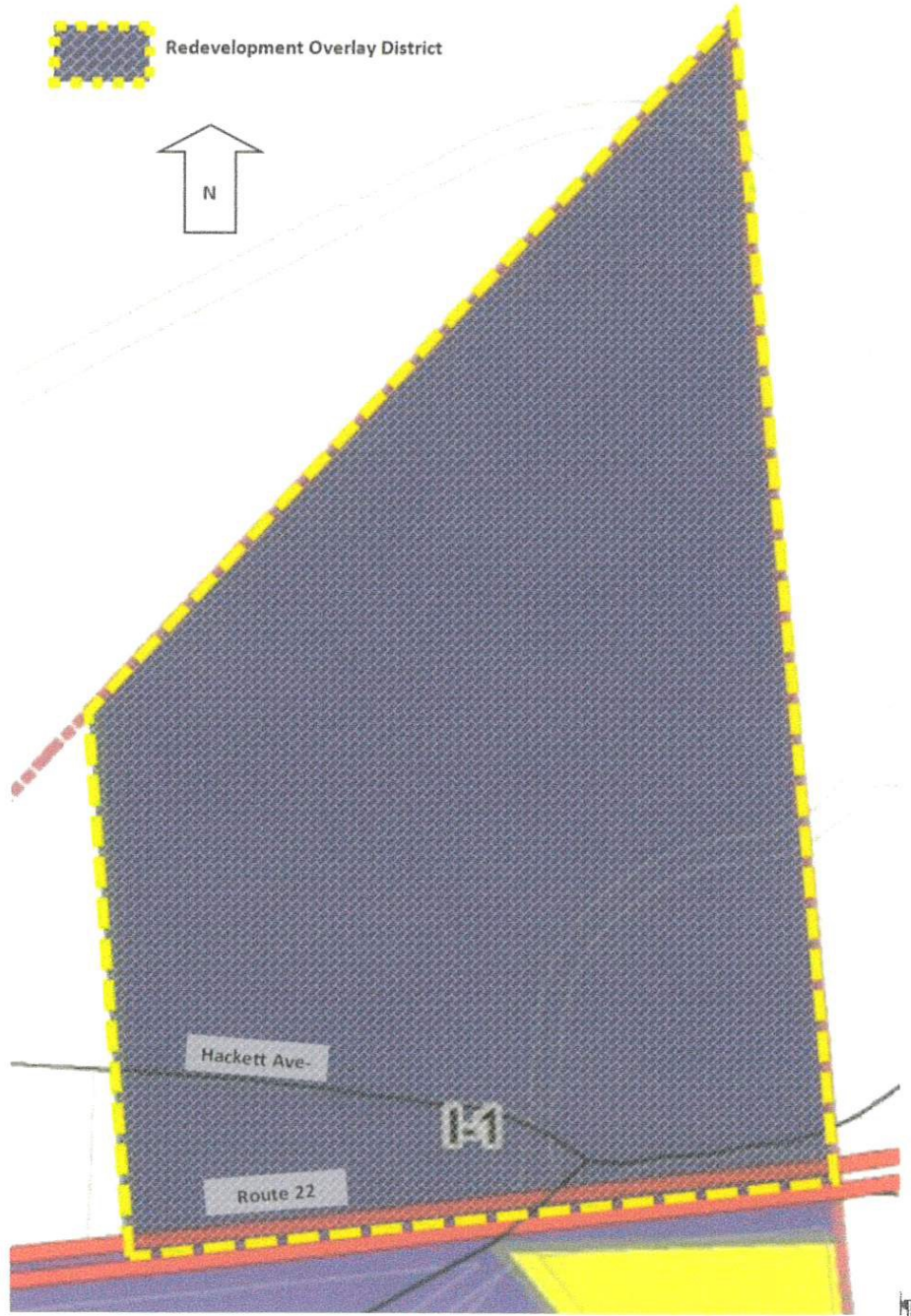
BOROUGH OF WILSON


Secretary
(SEAL)

BY: 
President, Borough Council

EXHIBIT A

**MAP DEPICTING
AREA LOCATED IN THE I-1 GENERAL INDUSTRIAL DISTRICT
GENERALLY NORTH OF THE CENTERLINE OF U.S. ROUTE 22 TO BE
INCLUDED WITHIN THE REDEVELOPMENT OVERLAY DISTRICT**



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