RESOLUTION NO. \_\_\_\_\_\_\_\_\_\_

Approval of Second Extension Request Protecting

Developer From Changes in Zoning Ordinance

 BE IT RESOLVED by the Council of the City of Bethlehem as follows:

1. In plans dated May 9, 2003, Wagner Enterprises, Ltd. proposed a residential land development under which 28 multifamily dwellings would be erected and used along Fire Lane within the City of Bethlehem.
2. During the administrative review process for such plan, City Council, by Ordinance 4276 enacted on October 5, 2004, curtailed the right to initiate multifamily dwelling uses in various portions of the City, including the property comprising the above-referenced plan.
3. Under the Pennsylvania Municipalities Planning Code, zoning ordinance amendments may not be applied to adversely affect a previously-filed land development plan for a period of five (5) years from the date of plan approval in the event such plan is approved. 53 P.S. § 10508(4)(i)-(ii).
4. By letter dated August 22, 2005, the City Planning Commission approved the Preliminary/Final Plan of Saucon Square to install 28 multifamily dwellings along Fire Lane within the City of Bethlehem.
5. The five (5) year protection period against ordinance changes was extended by the Pennsylvania Development Permit Extension Act through July 2, 2016. 53 P.S. § 11703.1 et seq.
6. By letter dated June 2, 2016, Wagner Enterprises, Ltd., developer of the Saucon Square project, submitted its first request for an extension of the protection period through December 31, 2016 pursuant to 53 P.S. § 10508(4)(iv) from the governing body which passed the ordinance change.[[1]](#footnote-1)
7. Upon the June 9, 2016 recommendation of the City Planning Commission, City Council in Resolution 2016-131 approved the first request of Wagner Enterprises, Ltd., for an extension of time.
8. By letter October 20, 2016, Wagner Enterprises, Ltd., developer of the Saucon Square project, submitted a second request for an extension of the protection period through December 31, 2018 pursuant to 53 P.S. § 10508(4)(iv) from the governing body which passed the ordinance change.
9. Upon the November 10, 2016 recommendation of the City Planning Commission, City Council does hereby approve the request of Wagner Enterprises, Ltd., developer of the Saucon Square project, for an extension of time through December 31, 2018 in which to apply for, and thereafter obtain, the requisite approvals to construct and initiate its multi-family dwelling uses in the subject zoning district.
10. The Mayor, Planning Commission, and Director of Planning and Zoning, and/or such other City officials as deemed appropriate by the City Solicitor, are hereby authorized to execute such document(s) as are deemed by the City Solicitor to implement this Resolution.

 Sponsored by

 ADOPTED by Council this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 President of Council

ATTEST:

 City Clerk

1. In the opinion of the solicitor, the delegation by City Council of land development and subdivision approval to the Planning Commission in section 1341.04 is considered narrow and does not include the power to suspend effective dates of new zoning ordinances relative to approved projects. [↑](#footnote-ref-1)