

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of Lehigh Township will hold a public hearing on the 27th day of October, 2020, at 7:00PM, at the Lehigh Township Municipal Building located at 1069 Municipal Drive, Walnutport, PA 18088 for the purpose of enacting the following Ordinance which is summarized below. Copies of the complete text of the Ordinance are available at the Lehigh Township Municipal Building and The Home News and may be examined during regular business hours.

AN ORDINANCE OF THE LEHIGH TOWNSHIP BOARD OF SUPERVISORS AMENDING THE LEHIGH TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ORDINANCE NO. 1990-2, AS AMENDED FROM TIME TO TIME, BY AMENDING THE LANGUAGE IN SECTIONS 1147-6 "DEFINITIONS", 147-18 "STREET STANDARDS", 147-24 "NATURAL FEATURE PRESERVATION", 147-28 "OPEN SPACE, RECREATION AREAS AND COMMUNITY FACILITIES", 147-32 "STREET IMPROVEMENTS" AND 147-35 "STORM DRAINAGE IMPROVEMENTS."

- Section 1. Definitions**
- Section 2. Street standards**
- Section 3. Natural feature preservation**
- Section 4. Open space, recreation area and community facilities**
- Section 5. Street improvements**
- Section 6. Storm drainage improvements**
- Section 7. Design Standards**
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- Section 9. Design Standards**
- Section 10. Severability**
- Section 11. Repealer**
- Section 12. Effective Date.**

All Ordinances and parts of Ordinances inconsistent with the act shall be repealed.

David M. Backenstoe, Esquire
Solicitor, Lehigh Township
148 Main Street
Hellertown, PA 18055

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE LEHIGH TOWNSHIP BOARD OF SUPERVISORS AMENDING THE LEHIGH TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ORDINANCE NO. 1990-2, AS AMENDED FROM TIME TO TIME, BY AMENDING THE LANGUAGE IN SECTIONS 147-6 “DEFINITIONS,” 147-18 “STREET STANDARDS,” 147-24 “NATURAL FEATURE PRESERVATION,” 147-28 “OPEN SPACE, RECREATION AREAS AND COMMUNITY FACILITIES,” 147-32 “STREET IMPROVEMENTS,” AND 147-35 “STORM DRAINAGE IMPROVEMENTS.”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehigh Township, Northampton County, Commonwealth of Pennsylvania as follows:

SECTION 1. Section 147-6 of the Lehigh Township Subdivision and Land Development Ordinance entitled “Definitions” shall be amended by deleting the stricken language and adding the underscored language as follows:

ALLEY

A public or private thoroughfare, with a cartway or right-of-way of 20 feet or less which affords only a secondary means of access to abutting property and is not intended for general traffic circulation. An alley is not a street. In the PRRC zone, an alley is defined as a private thoroughfare providing for either one-way or two-way traffic, as further set forth in Section 147-18.C.1., which may afford a primary or secondary means of access to abutting property and is intended for traffic circulation only to and from abutting properties. Alleys in the PRRC zone shall be designed in accordance with § 147-18.C.1.

POCKET PARK

A small outdoor green area within the PRRC Zone designed to provide open space, an area to sit or gather, and/or a tot lot.

SECTION 2. Section 147-18 of the Lehigh Township Subdivision and Land Development Ordinance entitled “Street standards” shall be amended by deleting the stricken language and adding the underscored language as follows:

B. General requirements.

(2) The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions which includes collector and local streets, except that in the PRRC zone, all streets shall be local streets, either public or private. In the PRRC zone, the roadway connecting Cherryville Road to Indian Trail Road shall be a ~~local private~~ street built to Township standards, which is open to the public ~~closed to the public, except for access granted for police, fire, and emergency services.~~ If gates are installed on the roadway, a key or entrance code, as applicable, shall be provided to police, fire, and emergency services. For large events having significant traffic generation in the nonresidential development of the PRRC zone as determined by management of the hotel in the PRRC zone, the roadway connecting Cherryville Road to Indian Trail Road shall be open for vehicles to exit to Indian Trail Road and/or Cherryville Road, as needed for efficient traffic management. Residential driveways, shared driveways, access drives, and alleys within the PRRC zone shall be permitted access to the roadway connecting Cherryville Road to Indian Trail Road. The width of the road connecting Cherryville Road to Indian Trail Road shall be 28' if designed to have no parking on either side, or 30' if parking is to be allowed on one side of the road; parking is not allowed on both sides of that road.

(6) Width.

(b) Where a subdivision or land development fronts on and will provide for vehicular access to and from an existing Township road which does not meet the minimum width requirements for pavement, shoulders and clearance beyond shoulder established in Table 3 of the latest edition of Guidelines For Design of Local Roads and Streets issued by the Pennsylvania Department of Transportation, the Township may require the subdivider to improve, at the subdivider's expense, the Township road along the road frontage of such subdivision or land development to meet those width standards along such frontage for pavement shoulders and clearance beyond shoulder. Pavement shall be constructed in accordance with Pavement Design Guidelines for Rural Areas in Guidelines For Design of Local Roads and Streets. Shoulders shall be paved shoulders, Type 3 paved shoulders, constructed at a minimum depth of six inches in accordance with the requirements of the latest edition of PennDOT Specifications, Form 408. In addition, provision shall be made for adequate drainage along the sides of the roads. Such drainage provisions shall be approved by the Township.

C. Street widths. Street right-of-way and cartway widths in proposed subdivisions shall conform to the general standards in the following table unless otherwise directed by the Township Planning Commission. The general standards set forth may be modified by the Township Planning Commission upon the recommendation of the Township Engineer or the Lehigh Valley Planning Commission when an analysis of the proposed development densities, provisions for off-street parking, and the projected traffic volumes indicate a need for such modification. The burden of proof shall be upon the developer to justify the adequacy of the rights-of-way or cartway widths which are less than those set forth in the following table. ~~Within the PRRC zone, the street right-of-way and/or access easements and cartway widths may vary based on the proposed abutting use(s). These proposed designs are subject to approval by the Township Planning Commission~~

upon the recommendation of the Township Engineer. Within the PRRC zone, the minimum width for a two-way street shall be 30 feet, and the minimum width for a one-way street shall be 20 feet.

(1) Street widths within the PRRC Zone. Within the PRRC zone, the minimum cartway and right-of-way widths shall be as indicated in the following table. All private streets, including alleys within the PRRC zone, shall be provided with a clear right-of-way or access easement (for which the right-of-way widths will apply). The Applicant shall demonstrate that the below minimum widths will be adequate to accommodate the largest anticipated vehicle(s) required to service the areas of the site and provide satisfactory sight distance and circulation where they are proposed. In the event that they are not adequate, the minimum widths shall be increased as required to meet the above criteria.

	Cartway width (min)	Right-of-way width (min)
<u>One-way street (1-sided parking)</u>	<u>20'</u>	<u>40'</u>
<u>Two-way street (1-sided parking)</u>	<u>24'</u>	<u>50'</u>
<u>Two-way street (2-sided parking)</u>	<u>30'</u>	<u>50'</u>
<u>Alley (one way)*</u>	<u>12'</u>	<u>20'</u>
<u>Alley (two-way)*</u>	<u>16'</u>	<u>20'</u>

*Perpendicular parking shall only be permitted adjacent to alleys and no other parking is permitted adjacent to alleys.

D. Horizontal curves.

(3) A minimum tangent of 75 feet shall be required between curves and between a curve and a street intersection, except that in the PRRC zone, no minimum tangent distance is required between curves along primary through streets and street intersections, provided that the sight distance criteria required by § 147-18D(2) is met within 75 feet of the intersection, and the primary through street has a minimum centerline radius of 200 feet. The intersecting side street shall be required to maintain ~~the seventy five foot minimum~~ a tangent distance to 20' behind the proposed stop bar (as measured from the intersecting centerlines) and intersect the primary street at a 90-degree angle. Measurements shall be made along the center line of streets.

G. Intersections.

(4) Street curb intersections shall be rounded by a tangential arc with a minimum radius of 34 feet. In the PRRC zone, street curb intersections shall be rounded by a tangential arc with a minimum radius of 25 feet.

I. Curbing and sidewalks.

(8) In residential areas in the PRRC zone, sidewalks shall be required on both sides of the street, except for lots of 7,000 square feet or larger, dwelling units adjacent to (i.e. immediately bordering) the seminary, agricultural areas, and stormwater management facilities. For areas of lots sized 7,000 square feet or more, a pedestrian pathway may be provided in lieu of sidewalks as long as either a sidewalk or a pedestrian pathway is provided. The Homeowners' Association shall be responsible for maintenance, including snow removal, of pedestrian pathways within the residential area of the PRRC zone. In nonresidential areas in the PRRC zone, sidewalks shall be required adjacent to the side(s) of the street where the nonresidential use is located, unless a pedestrian ~~walkway~~ pathway is provided for internal circulation. To the extent reasonably practicable, in the PRRC zone, a pedestrian circulation plan shall be developed showing inconnectivity between neighborhoods and/or uses.

K. Alleys.

(1) Alleys are prohibited unless permitted by the Township, except that in the PRRC zone, alleys shall be permitted. In all areas except the PRRC zone, the design of alleys shall be subject to approval by the Township. In the PRRC zone, perpendicular parking is permitted adjacent to alleys in designated parking areas.

(2) Service streets shall not be dedicated to general public use and perpetual maintenance shall be the responsibility of the developer or homeowners association.

L. Snow storage easement.

(1) A snow storage easement shall be a nonexclusive easement to plow, cast, and store snow that has fallen in adjacent public and private streets, access drives, alleys, shared driveways and parking lots.

(2) Unless it can be demonstrated to the Township that sufficient snow storage space exists in proximity to public and private streets, access drives, alleys, shared driveways and parking lots, a snow storage easement shall be provided in a location that is proximate to all public and private streets (including at the terminus of a cul-de-sac bulb), access drives, alleys, shared driveways and parking lots.

SECTION 3. Section 147-24 of the Lehigh Township Subdivision and Land Development Ordinance entitled "Natural feature preservation" shall be amended by deleting the stricken language and adding the underscored language as follows:

C. Steep slopes. Within the PRRC zone, protection of steep slopes shall be as follows:

(2) Protection ratios of steep slopes. Slopes of 30% or greater shall be protected from all site disturbance and construction activities except:

(a) Grading for a portion of the driveway or access drive when it can be demonstrated that no other route that avoids slopes exceeding 30% is reasonably practicable; and any such driveway or access drive must be designed to have a length of 250 feet or less; and

(b) ~~Any such driveway or access drive must be designed to have a length of 250 feet or less~~ In the PRRC zone, disturbance of steep slope areas is permitted when grading for roads, utilities, stormwater management and for pathways or recreation, or other minimal earth disturbance within a contiguous area of 3,000 square feet or less, where the goal of the design is to reduce impacts on sensitive natural features, waters, wetlands, woodlands, existing utility towers, and views from the existing seminary building. Such earth disturbance of slopes of 30% or greater shall be reviewed by the Township Engineer on either the subdivision, land development, or individual lot grading plans to confirm permanent stability.

SECTION 4. Section 147-28 of the Lehigh Township Subdivision and Land Development Ordinance entitled "Open space, recreation areas and community facilities." shall be amended by deleting the stricken language and adding the underscored language as follows:

C. Recreational facilities.

(1) The Township shall require the public dedication of land suitable for recreational use, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination thereof, for park or recreation purposes as a condition precedent to final plan approval. "Recreational land" shall mean a parcel of real estate or any part thereof which is intended to be used solely or in conjunction with any other ancillary or subordinate use, for the purpose of active physical activity which shall include, but not limited to, a park or playground or pedestrian walking track, etc., or a passive recreational use which shall include, but not be limited to, bird watching, nature observation, etc., or any combination thereof. Pathways installed in lieu of required sidewalks shall not be considered recreational land.

(2) "Recreational facilities" shall mean physical improvements or modifications to the recreational land, including, but not limited to, pathways, sports facilities, playgrounds equipment, structures (as defined in this chapter). Pathways installed in lieu of required sidewalks shall not be considered recreational facilities.

(4) Land dedication standards.

(b) The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purposes, and be such that recreation use is feasible. Designated purposes are subject to Township approval. No recreation area shall measure less than one acre, except for Pocket Parks.

D. Cash in lieu of land dedication.

- (1) The cash payment in lieu of dedication shall be in the following amounts:

Number of Lots	Payment
Up to three residential <u>dwelling units</u>	\$750 per <u>dwelling unit</u>
Over three residential <u>dwelling units</u>	\$2,000 per <u>dwelling unit</u>
Any nonresidential <u>land being developed</u>	\$2,000 per acre or fraction Thereof

This section shall not apply to any residential dwelling units within the PRRC Zone.

- (3) Within the PRRC zone, a cash payment for residential dwelling units in lieu of dedication shall be in the following amount:

Number of Lots	Payment
<u>Any residential dwelling units</u>	<u>\$1000 per dwelling unit</u>

(4) In connection with complete development of the entire residential area within the PRRC zone, the developer shall install private recreational amenities or improvements (not open to the general public) having a value of not less than One Million Dollars (\$1,000,000). Such private recreational amenities or improvements may be constructed or installed either within the PRRC zone or on the adjoining land in a different zoning district that consists of approximately 63.2778 acres and is located at 3933 Lehigh Drive, Northampton, PA 18067, Parcel ID J3 19 5 0516.

SECTION 5. Section 147-32 of the Lehigh Township Subdivision and Land Development Ordinance entitled "Street improvements." shall be amended by deleting the stricken language and adding the underscored language as follows:

F. Concrete curbing.

(1) Concrete curbing, as required, shall be constructed in accordance with PennDOT SP 408, latest revision, and the Typical Curb and Sidewalk Section. Within the PRRC, the owner, may, at its discretion, use granite block curb so long as the associated detailing is approved by the Township Engineer.

SECTION 6. Section 147-35 of the Lehigh Township Subdivision and Land Development Ordinance entitled "Storm drainage improvements." shall be amended by deleting the stricken language and adding the underscored language as follows:

F. Within the PRRC zone, the perimeter of the water surface associated with the maximum pool elevation in a basin for a twenty-five-year runoff event shall be set back ~~a minimum of 150 feet from an exterior property line adjoining residential lot lines~~ an existing residential lot line

along the perimeter of the PRRC zoning district, or as otherwise required by the Pennsylvania Department of Environmental Protection and Lehigh Valley Planning Commission regulations, using whichever of the three standards that provides the largest setback distance. In addition, the perimeter of the water surface associated with the maximum pool elevation in a basin for a one-hundred-year runoff event shall be set back a minimum of 100 feet from any principal residential building or 25 feet to any other type of principal building.

SECTION 7. Article IV of the Lehigh Township Subdivision and Land Development Ordinance entitled "Design Standards" shall be amended by adding Section 147-30A entitled "Landscaping Requirements" and adding the underscored language as follows:

147-30A Landscaping Requirements

- A. Street trees with a minimum installed size of 2" caliper should be planted at forty foot (40') intervals alternating along both sides of new streets.
- B. Street trees shall be placed between the street edge and the sidewalk. Locations shall be subject to approval by the Board of Supervisors.
- C. Species proposed shall be appropriate for the USDA zone of hardiness, in accordance with the American Standard for Nursery Stock.
- D. A variety of plant species shall be installed and maintained in order to avoid a monoculture.
- E. Plantings shall have symmetrical growth, and be free of insects, pests and disease.
- F. Building foundation plantings shall be provided, and shall include a combination of flowering trees and shrubs of varying species and colors. The plantings shall be placed in the front yard and along alley frontages. Building foundation plantings are intended to be a group of plants used in the landscape design to blend a building or dwelling with its settings, complement and enhance the building or dwelling, and to screen any utilitarian features of the building foundation. The landscaping may be placed within an easement and shall be maintained by individual lot owners or by the Homeowners Association.
- G. Pocket parks shall have, at minimum, one (1) street tree for each forty feet (40') of street frontage, and one (1) shade tree for every five hundred square feet (500 SF) of land in the pocket park. Shrubs, perennials, and groundcover plantings should be provided as enhancements in Pocket Parks.

SECTION 8. Article IV of the Lehigh Township Subdivision and Land Development Ordinance entitled "Design Standards" shall be amended by adding Section 147-30B entitled "Architectural Design Guidelines" and adding the underscored language as follows:

147-30B Architectural Design Guidelines

A. Buildings shall be oriented with prominent primary entrances toward an adjoining street or public space, including gathering spaces such as a plaza, park, pocket park or other green space.

B. All buildings shall have a unified context-sensitive architectural theme, including elements such as the following:

- (1) Brick, stone, other masonry material, fiber cement siding, EIFS, or like-type materials used on portions of facades facing the streetscape or public space.
- (2) At least 35% of the dwellings should have a variety of architectural elements incorporated into the front building facade design, such as, pilasters, piers, columns, arches, shutters, raised panel garage doors with windows, and the like.
- (3) At least 35% of the single-family detached dwellings should have a covered porch, Pent Eve Roof or Portico.
- (4) Variety of building heights and varied roofline articulation, through the use of dormers, gables, parapet walls, and the like.
- (5) Buildings should have a sloped roof, or a parapet if the roof is flat.
- (6) Variety of architectural features for adjacent single-family detached dwellings.
- (7) Earth tone colors for all siding materials.

C. Vinyl or like-type siding materials on the facades or sides of the building shall not constitute over fifty percent (50%) of the structure; soffit and fascia shall not be included within this 50% calculation.

D. At least 50% of the detached dwellings shall have rear and side loaded garages with a minimum setback of 18 feet from the cartway of the street and the alley.

SECTION 9. Article IV of the Lehigh Township Subdivision and Land Development Ordinance entitled "Design Standards" shall be amended by adding Section 147-30C entitled "Pocket Parks" and adding the underscored language as follows:

147-30C Pocket Parks

A. Ownership.

- (1) When built in the PRRC Zone, pocket parks shall be owned and maintained by the HOA.
- (2) Maintenance. A maintenance agreement shall be required for all landscaping and any stormwater BMPs located within the pocket park.

B. General requirements.

(1) Design.

(a) The land intended for use as pocket park shall suit the purpose for which it is designed.

(b) Areas delineated as wetlands shall not be used for pocket parks.

(c) Areas of steep slopes greater than fifteen percent (15%) shall not be used for pocket parks.

(2) Proximity and Quantity. Pocket parks shall be readily accessible by residents. A pocket park shall be located within one quarter (0.25) of a mile from each residential structure located within the PRRC. At least one (1) pocket park shall be provided and maintained for every 24 residential dwelling units with a minimum lot area of less than 7,000 square feet.

(3) Fencing. When a pocket park is located on the corner of an intersection, the boundary of the park adjacent to the roadway shall be defined by a fence that does not block view into the park. Landscaping in pocket parks shall not encroach on Clear Sight Triangles.

(4) Access. Pocket parks shall be accessible, at minimum, by a walking pathway or sidewalk.

(5) Accessibility. Pocket parks shall conform with ADA accessibility design standards.

(6) Size. Required pocket parks shall have an average area of not less than 1,000 square feet with a minimum area of 500 square feet each.

(7) Impervious Cover. Pocket parks shall not have greater than fifty percent (50%) impervious cover.

(8) Landscaping. Refer to the PRRC Landscaping Requirements of Section 147-30A.

(9) Benches. Pocket parks shall contain, at minimum, two (2) benches.

(10) Trash Receptacle. Pocket parks shall contain, at minimum, one (1) trash receptacle.

(11) Lighting. Lighting for pocket parks shall be required at the discretion of the Township Planning Commission and Board of Supervisors. When lighting is not provided for pocket parks, access and use shall be limited to daylight hours.

SECTION 10. Severability. The provisions of the Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect

the validity of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this ordinance would be amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 11. Repealer. All other Township Ordinances or parts thereof, including but not limited to the Lehigh Township Subdivision and Land Development Ordinance of 1990, as amended, that were adopted prior to this ordinance and are in conflict with this ordinance are hereby repealed.

SECTION 12. Effective Date. This Ordinance shall become effective immediately following the date of adoption by the Board of Supervisors.

ENACTED AND ORDAINED into an Ordinance this ____ day of _____, 2020.

ATTEST:

**BOARD OF SUPERVISORS
LEHIGH TOWNSHIP**

, Secretary

Cynthia Miller, Chair