

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2002 LEHIGH TOWNSHIP ZONING ORDINANCE, CHAPTER 180 “ZONING”, OF THE TOWNSHIP OF LEHIGH CODE OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 180-12, “ZONING MAP” TO INCLUDE THE PLANNED RESORT RESIDENTIAL COMMUNITY ZONING DISTRICT AND SECTION 180-15, DEFINITIONS, AND BY ADDING SECTION 180-18.1, PLANNED RESORT RESIDENTIAL COMMUNITY ZONING DISTRICT

WHEREAS, Section 180-127 of the Lehigh Township Zoning Ordinance provides that “The Board of Supervisors may, from time to time, amend, supplement, change or repeal this chapter, including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission or the Board of Supervisors.”; and

WHEREAS, the Lehigh Township Board of Supervisors finds that the proposed amendments will promote, protect and facilitate the public health, safety and welfare; and

WHEREAS, pursuant to Section 609 of the Municipalities Planning Code, 53 P.S. § 10609, the Township of Lehigh is authorized and empowered to enact amendments to the Lehigh Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

WHEREAS, the Board of Supervisors of the Township of Lehigh has conducted a public hearing pursuant to public notice concerning the following amendments to the Lehigh Township Zoning Ordinance; and,

WHEREAS, after public hearing pursuant to public notice, the Board of Supervisors of the Township of Lehigh desires to ordain and enact the amendments to the Lehigh Township Zoning Ordinance set forth hereinafter.

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

Section I:

Chapter 180 of the Township of Lehigh Code of Ordinances, Section 180-12, Zoning Map, is amended as follows:

A revised Official Zoning Map of Lehigh Township, marked as last revised May 13, 2014, a copy of which is included herein as Exhibit “1” and, together with any explanatory matter thereon, is hereby declared to be a part of this chapter, as set forth in § 180-12. The original of this new Official Zoning Map shall be filed as part of the permanent records of the Township.

Section II:

Chapter 180 of the Township of Lehigh Code of Ordinances, Section 180-15, Definitions, is amended as follows:

180-15.B. Specific words and phrases. The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this chapter:

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.

HEIGHT, BUILDING

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the average top of fascia height of a pitched roof or height of the roof, as applicable, excluding incinerators, vent pipes, antennae, public utility structures, commercial radio and/or T.V. transmission tower, water tank, clock tower, dormer, spire, belfry, enclosure for service equipment, elevator bulkhead, stage tower, scenery loft, chimneys, cupolas, silos, parapets, mansard roofs, gale roofs, hip roofs, solar panels, satellite dishes, stairway enclosures, and other similar structures or mechanical appurtenances that extend not more than 20 feet from the top of the roof.

HEIGHT, STRUCTURE

The vertical distance measured from the average elevation of the proposed finished grade at the front of the structure to the average top of fascia height of a pitched roof or height of the roof, as applicable, excluding incinerators, vent pipes, antennae, public utility structures, commercial radio and/or T.V. transmission tower, water tank, clock tower, dormer, spire, belfry, enclosure for service equipment, elevator bulkhead, stage tower, scenery loft, chimneys, cupolas, silos, parapets, mansard roofs, gale roofs, hip roofs solar panels, satellite dishes, stairway enclosures, and other similar structures or mechanical appurtenances that extend not more than 20 feet from the top of the roof.

IMPERVIOUS SURFACE

Any material that covers the land which inhibits the percolation of stormwater directly into the soil, including but not limited to buildings and pavements; provided, however, that this definition shall not include stormwater management facilities.

LOT WIDTH

The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Lot width shall be measured at the building setback.

MEDICAL OFFICE BUILDING

A building or portion of a building, which building or portion of building is not larger than 45,000 square feet of gross floor area and is occupied by licensed medical practitioners and other health-related personnel for the purpose of providing health and health-related services to people on an outpatient basis.

MIXED USE MULTI-FAMILY BUILDING

A building that contains at least one floor devoted to permitted non-residential uses and at least one floor devoted to permitted residential uses.

WINERY

A building or property where wine is produced. This definition may also include: (i) the growing of grapes and other fruits to produce wine; (ii) an agricultural processing facility used for the fermenting and processing of juice into wine and/or the refermenting of still wine into sparkling wine; (iii) bottling, corking and otherwise readying wine for sale and shipping; (iv) a tasting room; (v) tours and on-site events; and/or (vi) a retail establishment to sell wine and other related items. A winery may not produce in excess of 200,000 gallons of wine per year.

Section III:

Chapter 180 of the Township of Lehigh Code of Ordinances, Article II, Zone Regulations, is amended to include Section 180-18.1 as follows:

180-18.1 Planned Resort Residential Community Zone (PRRC) ¹.

A. Purpose. The purpose of this zone is to provide for an area that will contain a complementary mix of residential and non-residential uses (including commercial and resort uses) as part of an overall “Development Plan” for a certain tract of land, while preserving existing historical structures. As an area of planned mixed-use zoning, the PRRC zone is intended to discourage “strip” commercial development and encourage streetscapes, and complimentary residential uses located above and/or adjacent to retail and/or other non-residential uses.

B. Permitted uses:

(1) Non-Residential Uses.

(a) The following uses are permitted:

- i. Agriculture;
- ii. Beauty parlor, including spa and related uses;
- iii. Golf Course;
- iv. Horticultural related uses;
- v. Membership clubs;
- vi. Plant nurseries and greenhouses;
- vii. Public and nonprofit parks and playgrounds;

- viii. Public uses and public utility structures;
- ix. Winery; and
- x. Accessory uses customarily incidental to the above permitted uses, including swimming pools.

(b) The following uses are permitted provided that the uses are located within a substantial structure that is to be repurposed and that is existing at time of adoption of this ordinance provision:

- i. Church and Related Uses;
- ii. Continuing Care Facility, including assisted living home;
- iii. Convention Center, including a concert, entertainment, reception and wedding venue;
- iv. Hotel (which may include detached cottages/lodges);
- v. Medical Office;
- vi. Office;
- vii. Outdoor Recreation;
- viii. Public and/or Private School²;
- ix. Restaurant, excluding drive-through or fast food⁴;
- x. Retail;
- xi. Tavern³;
- xii. Accessory uses customarily incidental to the above permitted uses, including swimming pools.

(c) Mixed use multi-family buildings are permitted in the non-residential area.

(2) Residential Uses.

- (a) Single-Family Detached;
- (b) Duplex;
- (c) Multiple-Family, including 55 and over age targeted apartments;
- (d) Age restricted housing; and
- (e) Townhouse.

C. Conditional uses if not located within the seminary building or adjacent rectory (subject to the review procedures listed in § 180-128 of this chapter and the applicable requirements of Article V listed below but not other requirements of Article V):

- (1) Bed-and-breakfasts (see § 180-62);
- (2) One (1) additional communication tower which shall be an alternative tower structure, antennas and equipment (see § 180-71; subsections F, H & I (as to painting only) shall not apply); this is in addition to any pre-existing communication tower on the property;
- (3) Community center (see § 180-72);

- (4) Continuing Care Facility, including assisted living home;
- (5) Convention Center, including a concert, entertainment, reception and wedding venue;
- (6) Helicopter pad;
- (7) Home occupations (see § 180-82);
- (8) Hotel (which may include detached cottages/lodges);
- (9) Medical Office Building;
- (10) Office;
- (11) Outdoor Recreation;
- (12) Public and/or Private School²;
- (13) Restaurant, excluding drive-through and fast food⁴ (see § 180-96; subsections A (as to nightclub only), D, E, F & G shall not apply);
- (14) Retail;
- (15) Tavern³.

NOTES:

- ¹ In the PRRC zone, the harvesting of trees to clear land to be used for residential or non-residential uses shall not be considered commercial forestry.
- ² This use is subject to the requirement that the land on which any public and/or private school is located and the school itself shall not be exempt from real estate taxes.
- ³ In the PRRC zone, the term tavern shall include a facility that is used for the on-site consumption of alcoholic or non-alcoholic beverages where live entertainment (including without limitation disc jockeys) is offered.
- ⁴ In the PRRC zone, the term restaurant shall include an establishment that serves alcoholic beverages (including, but not limited to wine, beer and spirits). A restaurant may have an exterior seating area.

D. Overall District Requirements.

Within the PRRC zone, all land shall be divided into lots and streets, with the tract divided into residential areas, nonresidential areas, open space areas, and existing and proposed streets. All improvements within the PRRC zone shall meet the following minimum and maximum requirements.

- (1) Common Open Space.
 - (a) At least 50% of the entire area in the PRRC zone, excluding existing road rights-of-way, shall be maintained as open space; provided, however, that at least 35% of the entire area in the PRRC zone shall be maintained as common open space, as provided in § 180-27. In the PRRC zone, the term “common open space” shall include land allocated to recreation and/or land on which a recreational facility (including parking areas and access drives for any recreation area or facility) is located even if the recreation land and recreational facility is located in a setback between buildings and/or within the street right-of-way.
 - (b) In residential areas, the developer shall provide for and establish an organization for the ownership and maintenance of common open

space which shall be generally consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. § 3101 *et seq.* or the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 *et seq.* In residential areas, the property owners or owners' association shall enter into a recorded declaration that binds the property association or property owners to maintain the common open space. In non-residential areas, such an association or one or more non-residential owner(s) shall enter into a recorded declaration that binds the association or non-residential owner(s) to maintain the common open space. If common open space is not maintained, the Township may, in its discretion, maintain the property and file a lien against the property for the cost of said maintenance. The Township is not permitted to require the establishment of a reserve fund to provide for the maintenance of, or capital improvements to, the common open space when the common open space is owned by a non-residential owner(s) or association. If the common open space is owned by a residential owner or owners' association, the Township is permitted to require the establishment of a reserve fund to provide for the maintenance of, or capital improvements to, the common open space. This section shall replace § 180-27.B(3).

- (c) Proposed common open spaces in the PRRC zone shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives: (i) the protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.); (ii) protection of important historical and/or archaeological sites; (iii) provision of usable play and recreation areas that are conveniently accessible to residents within the development and/or the Township, provided, however, that recreation areas in the PRRC zone shall not be required to be open to the general public; or (iv) integration of greenbelts throughout the development that link residences with on-site or adjoining or nearby parks, schools, non-residential uses or other similar features. This section shall replace § 180-27.A.
- (d) Common open space in the PRRC zone shall include post-construction stormwater management facilities, including but not limited to infiltration basins, reservoirs, and spray irrigation systems.
- (e) This requirement may be met gradually and may be phased so long as 35% of the area being developed during any phase is maintained as common open space. In the event that more than 35% of the area being developed during any phase is maintained as common open space, an applicant shall receive a credit toward the 35%

common open space requirement for the PRRC zone in a later phase of a development; provided, however, that the applicant shall provide the Township with a concept plan depicting the proposed overall scheme for open space during the later phases of a development.

(2) Non-Residential Area.

- (a) No more than 20 acres in the PRRC zone may be used for the non-residential uses, as provided herein.
- (b) The area devoted to non-residential uses in the PRRC zone must be contiguous, must contain the existing seminary building, must be located adjacent to a Township major or minor collector road (as classified in § 180-42), and must be identified on a plan or plans (there is no requirement that the full 20 acres be designated at one time, in one submission and/or in one plan).
- (c) The following non-residential uses shall not be included in the space to determine the 20 acre limitation:
 - i. Agriculture;
 - ii. Golf Course;
 - iii. Outdoor Recreation;
 - iv. Plant nurseries and greenhouses; and,
 - v. Public and nonprofit parks and playgrounds; and,
 - vi. Public uses and public utility structures.
- (d) Notwithstanding the 20 acres available for non-residential uses and the variety of permitted uses and conditional uses allowed in the PRRC zone, the total of all non-residential uses within the allotted 20 acres, when combined, but excluding the existing seminary buildings, shall not exceed a predicted traffic generation greater than 206 p.m. peak hour trips based on the uses to be developed, as set forth in the then most current version of the ITE (Institute of Transportation Engineers) Manual. For purposes of this § 180-18.1.D(2)(d) only, traffic projections/generation for uses within the existing seminary buildings shall not be included in determining the total of predicted traffic generation. However, for purposes of the traffic impact study and needed roadway improvements, traffic projections/generation for all uses, including within the existing Seminary building, shall be included in determining the total of predicted traffic generation.
- (e) In the non-residential area of the PRRC zone (excluding the building area of the existing structure), the maximum building coverage shall be no more than 30%.

(3) Residential Area. The remaining areas in the PRRC zone (i.e., the area that is not devoted to common open space and non-residential uses) may

be developed for residential use. Residential uses may be mixed and shall have a maximum total number of 509 units regardless of whether they are in residential area or non-residential area as defined in Section 180-18.1D(2) above, which shall be allocated as follows:

Age-Qualified Single Family Detached Dwellings	110 (Minimum)
Age-Qualified Apartments	120 (Maximum)
Twins and/or Townhouses	107 (Maximum)
Apartments (over non-residential uses)	50 (Maximum)

The balance of the maximum total number of 509 units shall be developed as single family detached dwellings.

- (4) All development within the PRRC zone shall be served by public water and public sewer.
- (5) All public utilities shall be installed and maintained underground within the boundaries of the PRRC zone. In the PRRC zone, there shall be mail delivery in central service areas for multi-family (apartment) dwellings and as otherwise required by the United States Postal Service.

E. Design Standards.¹

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage (percentage)	Max Build. Height (ft.)	Minimum Front Yard Setbacks	Minimum Side Yard Setbacks ⁴	Minimum Rear Yard Setbacks
Single-family detached	7,000	65	50	35	25	10	25
Single-family semi-detached (Duplex) ²	4,000/unit	35/unit	50	35	25	10	25
Townhouses ²	2,500/unit	25/unit	60	40	25	10 (end units)	25
Multiple family Dwellings ²	43,560	100	60	50	50	30	60
Non-Residential ³	43,560	100	70	50	35	20	25

NOTES:

¹ In situations where there are no lot lines separating lots, front yard setbacks will be measured from the edge of the cartway. Side and rear yard setbacks will be measured based on the building separation distance. The setbacks set forth in the foregoing Design Standards chart shall not apply to the portion of any lot that directly abuts Cherryville Road. The setback distance along Cherryville Road shall be 100 feet for residential structures and 150 feet for non-residential structures.

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Design standards applicable to single-family semi-detached, townhouse, multiple family dwellings, and mixed use multi-family buildings:

- a. No townhouse grouping shall contain more than 8 units or a maximum length of 224 feet, whichever is less.
- b. All single-family semi-detached, townhouse and multiple-family dwellings shall be set back a minimum of 10 feet from a parking lot.
- c. For every attached grouping of townhouse buildings, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet.
- d. In those instances where several multiple family dwellings and/or townhouse groupings are located on the same lot, the following separation distances shall be provided between each building:
 - i. Front to front, rear to rear, front to rear, or rear to side buildings shall have at least 50 feet between faces of the buildings; and
 - ii. A minimum separation distance of 30 feet is required between end walls of buildings.

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Design standards applicable to non-residential uses:

- a. For multiple buildings on the same lot where there is no common or adjoining wall connecting the buildings, there shall be provided a minimum of 25 feet of separation distance between the closest points of such buildings;
- b. Any lot containing a non-residential use that adjoins land with a residential use shall maintain a 30 foot separation distance between the property line and non-residential buildings and structures, all off-street parking lots and loading areas, freestanding signs and outdoor storage and display areas. Such areas shall be used for a landscape strip and screen in accordance with the standards found in § 180-33 of this chapter. However, the aforementioned standards set forth in this footnote 3.b. shall not apply in a situation where one lot contains both non-residential and residential uses. Any lot containing a non-residential use that adjoins land with a residential use shall have the same setbacks as are required for multi-family dwellings.
- c. Use of buildings which existed prior to July 1, 2015 shall be permitted by right to be occupied to their full height for uses permitted in the PRRC zone.
- d. Non-residential uses shall comply with the parking and loading requirements for the specific non-residential uses as provided in this chapter..

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The side yard setback calculation is cumulative and/or aggregate. For example, if a 10 foot side yard setback is required, the aggregate side yard setback is 20 feet. This requirement can be met in any manner so long as the total side yard setback is 20 feet and each yard has at least a 5 foot side yard setback. One side yard may have a 5 foot setback if the other side yard setback is 15 feet. A 5 foot yard setback is not required for the common walls in townhouses and single-family semidetached dwelling.

F. Driveways.

- (1) This section, which applies to the PRRC zone only, shall replace the driveways requirement contained in § 180-29.D of this chapter for residential uses only.
- (2) Grades.
 - (a) Access drive and driveway grades shall not exceed a grade of 12%. In addition, at no time should there be a total change in grade on a driveway or access drive that is greater than 8%. There also shall be at least 10 linear feet from the start to end of the grade change.

- (b) In the event that Chapter 147, Subdivision and Land Development, contains more strict requirements related to the grade of driveways, the requirements contained in this section shall control.

G. Erection of more than one principal use per lot.

- (1) A lot and/or building in a non-residential area of the PRRC zone may be used for one or more of the aforementioned permitted residential and/or non-residential principal uses and accessory uses as set forth in this section. One or more dwellings may be permitted on a single lot in the PRRC zone when the lot contains a condominium and/or planned community with or without lot lines.
- (2) If a building is used for more than 1 principal use, the building shall comply with all design standards, as set forth in § 180-18.1.E, based on the use that is most restrictive.
- (3) If a lot contains multiple buildings, the buildings shall comply with the setback criteria, as set forth in § 180-18.1.E.

H. Off-street parking and loading.

- (1) This section, which applies only to the PRRC zone, shall replace the off-street parking and loading requirements contained in § 180-37.A(1)(c) and § 180-37.D(1) and (10) of this chapter.
- (2) For residential uses in the PRRC zone, so long as the driveway is at least 20 feet from the sidewalk (or curb if there is no sidewalk) to the building, 1 space in the driveway shall be counted toward the required number of off-street parking spaces for a single car width driveway, two spaces for a two car width driveway, and so forth. Spaces in a garage shall be counted toward off-street parking requirements to the extent the garage exceeds space for a single automobile (for example, a two car garage would count for one off-street parking space, and a three car garage would count for two off-street parking spaces).
- (3) Where a lot and/or building in the PRRC zone contains more than one type of use, the number of off-street parking spaces shall be the sum of the parking requirements for each separate use with a reduction of 20% of that sum if the plan submitted by the applicant allocates vacant land which can accommodate the number of parking spaces eliminated by the 20% reduction for parking if needed in the future. The Township may direct the current landowner to convert the allocated vacant land to parking pursuant to this section by delivering written notice to the current landowner. The current landowner shall have 6 months from the date of the written notice to complete the paving; provided, however, that the 6 month period shall be tolled during the PennDOT paving down time. This allocation would be memorialized as a note to the plan submitted by the applicant, and the applicant shall include the allocation of vacant land in any calculation of impervious coverage. The applicant may seek a special

exception to: (i) obtain a parking reduction in excess of 20%; and/or (ii) avoid the allocation of vacant land to future parking.

- (4) The maximum widths of alleys shall not include curb returns. Parking shall not be permitted on an alley.
- (5) There shall be a paved area setback of 10 feet from all front, side and rear property lines. This area shall be maintained in grass or other appropriate natural ground cover and shall not be covered with paving, except for approved access drive locations, sidewalks, landscaping stones and/or pavers, bicycle trails, and walking paths. The foregoing shall not apply to: (i) access drives, driveways and parking lots shared by multiple uses (i.e., the paved area may straddle the property line); and (ii) lots where there is less than a 10 foot building setback.
- (6) Garage doors in non-residential or mixed-use multi-family buildings shall not face any existing or proposed street.
- (7) All loading areas and loading docks shall be located to the side and rear of buildings. If reasonably practical, loading docks shall not be visible from public streets. All loading docks shall be set back at least 30 feet from residential property lines.
- (8) Refuse disposal areas shall be located within buildings or within an opaque screened area that completely hides the refuse and is located to the side or rear of the building. If reasonably practical, refuse disposal areas shall not be visible from public streets. All outdoor refuse disposal areas shall be set back at least 30 feet from residential property lines.
- (9) For residential uses within the PRRC zone, parking for guests shall be provided within off-street parking lots at a rate of up to 0.75 spaces per dwelling unit if it is deemed necessary by the Township.

I. Roadway Access.

- (1) This section, which applies only to the PRRC zone, shall replace the roadway access standards set forth in § 180-41.B of this chapter.
- (2) The centerline of all proposed access drives to a dwelling shall be set back a minimum of 50 feet from the center line of the intersection of two local roads. In the event of a “T” intersection, all proposed access drives to a dwelling unit shall be directly opposite the intersecting local street.

J. Steep Slope Protection Standards.

- (1) The steep slope protection standards set forth in § 180-45 shall not apply to the PRRC zone.

K. Earthmoving activities; soil erosion and sedimentation control.

- (1) Earthmoving activities, soil erosion and sedimentation control shall comply with § 180-47 of this chapter except as otherwise provided in this section.

- (2) Slopes that pose a threat of instability, in the opinion of the Township Engineer, shall not be created. The Zoning Officer may require that the applicable provide certification from a professional engineer that finished slopes greater than 2:1 will be stable in the PRRC zone. Any slope less than 2:1 shall be deemed to be stable in the PRRC zone.

- L. In the event that this section conflicts with any other section of this chapter or with Chapter 147, Subdivision and Land Development, the provisions of this section shall control. Notwithstanding the foregoing, any provisions of Chapter 180, the Lehigh Township Zoning Ordinance, not modified by this ordinance shall apply in the PRRC zone.

Section IV:

Chapter 180 of the Township of Lehigh Code of Ordinances, Section 180-33, Landscaping and buffers, is amended as follows:

- C. In the PRRC zone, in any newly developed or expanded use(s) located on a lot that abuts Cherryville Road, a minimum of 40% of the front yard setback area shall maintained as a landscaped buffer yard, provided, however, that such landscaped buffer yard shall not obstruct views of the repurposed buildings from Cherryville Road.

Section V:

If a court of competent jurisdiction declares any provision of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective and all other provisions of this ordinance shall continue to be separately and fully effective.

Section VI:

All ordinances or parts of ordinances clearly in conflict with any of the provisions of this ordinance are hereby repealed insofar as same affects this ordinance. Notwithstanding the foregoing, the enactment of this ordinance including this repealer provision, shall not be construed as affecting any act done, liability or obligation incurred or right accrued or vested, including but not limited to the right of the Township of Lehigh to apply and enforce said repealed ordinances or parts thereof to zoning and land use applications and approvals to which such repealed ordinances or parts thereof were applicable and to which this ordinance is judicially determined to be not applicable. With respect to such zoning and land applications and approvals, such repealed ordinances or parts thereof shall continue with the same force and effect as if not repealed.

Section VI:

This ordinance shall be effective upon the enactment thereof.

ORDAINED AND ENACTED this ____ day of _____ 2015 at a public meeting after public hearing thereon.

ATTEST:

BOARD OF SUPERVISORS:

Alice Rehrig
Manager/Secretary/Treasurer

Darryl Snover, Chairman

I hereby certify that the within is a true and correct copy of the proposed Ordinance in this matter.

David Backenstoe, Esquire
Solicitor
Lehigh Township