

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-02

**AN ORDINANCE OF THE LEHIGH TOWNSHIP BOARD OF SUPERVISORS
AMENDING THE ZONING ORDINANCE CHAPTER 180-67.1 ENTITLED CLUSTER
DEVELOPMENTS TO EXPAND THE USE TO THE VILLAGE RESIDENTIAL AND TO
REMOVE CERTAIN SECTIONS PROVIDED FOR IN GREATER DETAIL IN THE
SALDO OR ZONING ORDINANCES.**

WHEREAS, cluster development regulations provide for greater controls over street layout, plantings, storm water management and general aesthetics of a new subdivision, therefore providing for more rural character to be maintained; and

WHEREAS, the Lehigh Township Planning Commission has researched this issue thoroughly and believes the current Cluster Development provisions of Chapter 180-67.1 are in need of amendment to expand the Cluster Development use to include the Village Residential Zone and to delete other outdated sections which are currently addressed in other sections of the Township Zoning and SALDO Zoning ordinances.

NOW, THEREFORE, IT IS ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Lehigh Township, Northampton County, Commonwealth of Pennsylvania, by adding the underlined language and deleting the crossed-out language as follows:

1. SECTION 1: § 180-67.1. Cluster developments.

A. Purpose. The purpose of cluster development provisions in the Lehigh Township Zoning Chapter is to encourage the preservation of usable open space and natural features, encourage the development of active and passive recreational areas within new housing developments, encourage continuation of agricultural uses and preservation of the rural character of the Township while allowing property owners to develop their land currently zoned for residential use.

B. Cluster development may be permitted as a conditional use in the Agricultural/Rural Residential Zone and the Village Residential Zone subject to recommendation by the Planning Commission and approval by the Board of Supervisors.

C. Specific design criteria:

(1) Minimum development area. In the A/RR Zone and Village Residential Zone the minimum area must be 30 contiguous acres.

(2) Maximum density. To determine the base number for density calculation purposes, you must determine the total tract area, multiplied by the standard dwelling

density in the A/RR Zone and in the Village Residential Zone. Only single-family detached and semi-detached homes may be permitted in the cluster development. Under no circumstances shall the maximum density exceed the following:

(a) Single-family detached dwellings: 1.2 times natural density of net tract area.

(b) Single-family semi-detached (duplex ~~or twin~~): 1.3 times normal density of net tract area.

(c) A combination of single-family detached and single-family semidetached units shall utilize the following equation:

[1] Percentage of ~~SFD~~ Single family detached x tract area x 1.2 = total amount of ~~SFD~~ single family detached.

[2] Percentage of ~~twins~~ single family semi-detached x tract area x 1.3 = total amount of ~~twins~~ single family semi-detached.

(3) Minimum open space must be 50% or more of the net ~~land tract~~ area being developed. "Net tract area" is defined as the gross tract area minus existing road rights-of-way, utility easements, wetlands, quarries, ponds, streambeds and steep slope areas in excess of 33%. The open space may be a combination of terrain possibly suitable for recreational fields, trails, open meadows, farming or similar uses. Preserved open space shall be offered for dedication to the Township. With Board of Supervisors' approval the land may be dedicated to another public entity such as a conservancy, school district or operated and maintained by a homeowners' association. Any and all lands will be automatically deeded to the Township in the event a homeowners' association or other entity becomes insolvent. Escrow accounts must be established by the HOA for the maintenance of the open space. Permanent easements and deed restrictions must be established during the planning process regulating the type and scope of activity that may take place on open space lands. The Township reserves the right to reject any dedication of land it feels is not in the best interest of the Township. At the discretion of the Planning Commission and the Board of Supervisors, proposed open space areas shall be planned and coordinated with the possibility of future development on adjacent tracts to provide for large unbroken tracts of land.

~~(4) Municipal public water and sewer or any alternative nonmunicipal central water and sewer system proposed by a developer shall serve all lots and structures in the cluster development. Any alternative system must be fully approved by the Department of Environmental Protection, Township SEO and be granted approval by the Lehigh Township Board of Supervisors.~~

~~(5)~~ (4) Minimum lot sizes.

(a) Minimum lot size for single-family detached homes shall be 10,000 square feet.

(b) Minimum lot size for ~~twin units~~ semi-detached dwelling shall be 6,500 square feet for each unit.

(c) All building lots shall be located at least 100 feet from any boundary line of the overall tract.

~~(6)~~ (5) Building lot design standards shall be the following:

(a) Lot width:

[1] For singles: 100 feet.

[2] For ~~twins~~ single family semi-detached: 65 feet.

(b) Setbacks:

[1] For singles:

[a] Front: 30 feet.

[b] Sides: 10 feet.

[c] Rear: 30 feet.

[2] For ~~twins~~ single family semi-detached:

[a] Front: 25 feet.

[b] Sides: 15 feet.

[c] Rear: 30 feet.

(c) Maximum total lot coverage: 35%.

(d) Maximum building height: 35 feet.

(e) Accessory structures: § 180-67.1 § 180-67.1 :2

[1] Side setback: 15 feet.

[2] Rear setback: 10 feet.

~~(7)~~ (6) Special exception uses normally permitted in the A/RR or Village Residential Districts shall now be subject to conditional use approval by the Board of

Supervisors. In addition, these uses should be defined and subject to developer-imposed deed restrictions.

~~(8) Design criteria for tract development. Planting berms shall be placed around perimeter areas of all building lots in the cluster development to minimize views of homes from existing roadways. Minimum berm size shall be four feet high and four feet wide at the top of the berm with a maximum three to one side slope. Plantings on top of the berm shall follow requirements of § 180-33 of the Zoning Chapter. Existing features, such as natural hilly or wooded areas, may be substituted for man-made berms, provided they create the desired effect. Street tree plantings shall be 1.5 times the number normally required in a residential subdivision. Due to the increased density of homes, individual lot grading plans shall be submitted for Township review prior to issuance of building permits.~~

~~(9) Sketch plans submissions for cluster developments shall be presented to the Board of Supervisors, Planning Commission, Municipal Authority, Recreation Board and Township Emergency Services for their comments. No waiver will be granted from the sketch plan stage.~~

~~(10) Traffic impact studies shall be completed and presented as part of the design process.~~

~~(11) No on-street parking shall be permitted without special permission from the homeowners' association.~~

~~(12) Any historic feature, trail, railroad bed, stream, canal bed, etc., shall be preserved as part of any cluster development. Historic structures, such as barns, springhouses, silos, family homesteads, etc., shall be inspected and evaluated by the Lehigh Township Historical Society. Recommendations will be made to the Board of Supervisors on the historical significance and feasibility of preserving said structures and incorporating them into the design scheme of the development.~~

~~(13) (7) In keeping with the intent to preserve the rural character of Lehigh Township, efforts should be made by the builders to incorporate stone, brick, and other natural materials and colors into the facade design of the proposed dwellings.~~

~~(14) All stormwater systems outside the road rights-of-way must be maintained and operated by individual lot owners or a homeowners' association.~~

~~(15) All public utilities shall be installed and maintained underground within the boundaries of the cluster development. Mail delivery should be located in central service areas.~~

~~(16) Street layout and design should allow for proper maintenance in the areas of snow removal, street sweeping and emergency access even though the development may be owned and maintained by a homeowners' association.~~

(8) Any Cluster Development shall comply with all applicable SALDO and Zoning Criteria within the required zoning district.

2. SECTION 2: Severability.

It is hereby declared to be the intention of the Board of Supervisors of Lehigh Township that the parts, section, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases or this Ordinances.

3. SECTION 3: Repealer.

All ordinances and parts of the ordinance inconsistent herewith are hereby repealed to the extent of such inconsistencies.

4. SECTION 4. EFFECTIVE DATE:

This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this 26th day of September, 2023.

ATTEST

LEHIGH TOWNSHIP


Secretary


Chairman, Board of Supervisors