

**LOWER MACUNGIE TOWNSHIP**  
**Lehigh County, Pennsylvania**

**ORDINANCE NO. 2020-**  
(Duly Adopted \_\_\_\_\_, 2020)

**AN ORDINANCE AMENDING CHAPTER 22A OF THE LOWER MACUNGIE TOWNSHIP CODE OF ORDINANCES, SUBDIVISION AND LAND DEVELOPMENT, BY AMENDING THE DEFINITION OF LOT AREA AND ADDING A DEFINITION OF MINIMUM LOT AREA; AMENDING THE REQUIREMENTS UNDER SUBSECTION 22A-403 5.D FOR LIFE-SAFETY PLANS AND SUBSECTION 22A-403 5.O. FOR THE SITE CONSTRAINTS IDENTIFIED IN TABLE 104.D.; AMENDING SECTION 22A-6A01 NONRESIDENTIAL PLANS PROPOSING LESS THAN 10,000 SF ADDITIONAL IMPERVIOUS SURFACE AND LESS THAN 10,000 SF OF ADDITIONAL BUILDING AREA PROCEDURES AND REQUIREMENTS; AMENDING SECTION 22A-6A02 BOUNDARY LINE ADJUSTMENTS BETWEEN PROPERTY OWNERS WHERE NO NEW LOTS ARE CREATED PROCEDURES AND REQUIREMENTS; AMENDING SECTION 22A-703 BLOCK DESIGN STANDARDS; AMENDING SECTION 22A-704 LOT DESIGN STANDARDS; AMENDING SECTION 22A-708 STORM DRAINAGE SYSTEMS; AMENDING SECTION 22A-710 ENVIRONMENTAL PROTECTION; AND, AMENDING CHAPTER 22C OF THE LOWER MACUNGIE TOWNSHIP CODE OF ORDINANCES, STANDARDS FOR IMPROVEMENTS CONSTRUCTION, BY AMENDING SECTION 22C-109 TREE PLANTING AND LANDSCAPING.**

The Board of Commissioners of Lower Macungie Township hereby ordains:

**Section 1.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 2, Definitions, § 22A-201 Definitions, Subsection 2, shall be amended to delete and restate the definition for Lot Area, and add a definition for Minimum Lot Area, to read as follows:

**§ 22A-201 Definitions**

\* \* \* \* \*

**Lot Area**--The total surficial area contained within the property lines of a lot, exclusive of public and private streets and areas devoted to the following:

- (1) Ultimate and legal street rights of way;
- (2) Access or drainage easements serving another principal use and/or lot;
- (3) Sanitary sewer and water easements serving another principal use and/or lot;
- (4) Utility pipeline easements and/or rights-of-way;

- (5) Land within easements and/or rights-of-way for overhead or underground electric transmission lines;
- (6) Storm water management structures, pipes and/or swales (including all easements related thereto) intended to serve another principal use and/or lot;
- (7) Riparian buffers identified or regulated by the Commonwealth or the Township;
- (8) Permanent and open bodies of water;
- (9) The 500 year floodplain and 100 year floodplain as identified by the US Army Corps of Engineers;
- (10) Wetlands, as defined by Commonwealth or federal law; and,
- (11) Existing slopes of 25% or greater.

\* \* \* \* \*

**Minimum Lot Area-** The minimum land area required for the creation of a lot or associated with a principal use as specified in the Township Zoning Code [Chapter 27] and/or this Chapter.

**Section 2.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 4 Preliminary Plan Submissions, § 403 Preliminary Plan Requirements, paragraph 5., shall be amended to deleting subsections D. and O. in their entirety, and restating to read as follow:

\* \* \* \* \*

**5. D.** A life-safety plan that shows the outlined and shaded turning radius through the proposed site and/or subdivision for the Township's largest fire apparatus vehicle; the required fire access road and the required aerial fire access road; the location of any proposed emergency access gates; the location of any proposed alternative fire access solutions such as geo-grid material or grass pavers; and, the location of all fire hydrants and fire department connections and notation of appropriate spacing and distances for access or service as required by the Township. The life-safety plan shall additionally include the proposed location of all exterior fuel tanks, chemical or compressed liquid gas storage or any other hazardous substances on site, as well as the proposed location of any exterior generator or other high voltage electrical apparatus.

\* \* \* \* \*

**5. O.** The site constraints identified in Table 104.D shall be deducted from any new Open Space Neighborhood subdivision plan prior to calculating the minimum lot area available for new lots. Further, in the case of an open space neighborhood subdivision permitted by Township Zoning Code [Chapter 27], lots shall be factored into the provisions in § 22A-403.5.P., Open Space Neighborhood Process.

**Section 3.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 6A Administrative Review Procedures and Requirements, shall be amended by deleting § 22A-6A01 Nonresidential Plans Proposing Less Than 10,000 SF of Additional Impervious Surface and Less Than 10,000 SF of Additional Building Area Procedures and Requirements in its entirety, and restating to read as follows:

**§ 22A-6A01 Nonresidential Plans Proposing Less Than 10,000 SF of Additional Impervious Surface and Less Than 10,000 SF of Additional Building Area Procedures and Requirements.**

**1.** In the case of a nonresidential plan which, by itself, or in combination with previous plans (where "previous plans" refers only to plans approved since February 16, 1989), involves less than 10,000 square feet of additional impervious surface and less than 10,000 square feet of additional building area, the following procedures shall apply:

**A.** The plan submission procedures of § 22A-501 shall apply, except that the Planning Department will not distribute the plans and other material to the Township Planning Commission if the submission is exempt from review by the Township Planning Commission as provided in Subsection 1B.

**B.** The plan review procedures of § 22A-502 shall apply, except:

**(1)** The Township Planning Director, in consultation with the Township Engineer and the Township Zoning Officer, may exempt a plan from review by the Township Planning Commission if:

**(a)** The plan complies with the standards contained in this subchapter and other applicable ordinances;

**(b)** The plan does not require waiver or deferral of the requirements of this subchapter, with the exception of the drafting or plan and report presentation requirements of §§ 22A-303, 22A-403 or 22A-504; and,

**(c)** The plan does not propose a use requiring special exception or conditional use approval.

**(2)** If the Township Planning Director exempts a plan from review by the Township Planning Commission, then within 60 days after submission of the plan, unless extended by the applicant, the Township Engineer shall recommend in writing to the Board of Commissioners that the final plan be approved or disapproved, together with the documented findings upon which the recommendations are based, and include any recommendations made by the Township Planning Director and the Township Zoning Officer.

(3) With respect to a plan that is exempt, references in § 22A-502, Subsection 2A, to the date of the regular meeting of the Planning Commission shall be considered to refer to the date of the Township Engineer's recommendation to the Board of Commissioners.

C. The plan recording procedures of § 22A-503 shall apply.

D. The submission shall comply with the drawing requirements and the applicable submission requirements of §§ 22A-403 and 22A-504 and Part 7.

E. Where the subject property of an applicant is located within the I-Industrial, O-ORLIC, Office, Research, Light Industrial Center or HI-SC- Highway Industrial Spring Creek and the proposed building addition or impervious surface addition is equal to or less than 10% of the total building square footage or existing impervious cover, respectively, the Township Planning Director may report to the Board of Commissioners and the Board of Commissioners may waive formal land development review, and permit an administrative review.

**Section 4.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 6A Administrative Review Procedures and Requirements, shall be amended by deleting § 22A-6A02 Boundary Line Adjustments Between Residential Property Owners Where No New Lots are Created Procedures and Requirements in its entirety, and restating to read as follows:

§ 22A-6A02 **Boundary Line Adjustments Between Residential Property Owners Where No New Lots are Created Procedures and Requirements.**

1. In the case of a boundary line adjustment between residential property owners, where no new lots are created, the following procedures shall apply:

A. The plan submission procedures of § 22A-501 shall apply, except that the Township Planning Director will not distribute the plans and other material to the Township Planning Commission if the submission is exempt from review by the Township Planning Commission as provided in Subsection 1.B.

B. The plan review procedures of § 22A-502 shall apply, except:

(1) The Township Planning Director, in consultation with the Township Engineer and the Township Zoning Officer, may exempt a plan from review by the Township Planning Commission if:

(a) He/she determines that the plan complies with the standards contained in this subchapter and other applicable municipal ordinances;

(b) The Township Engineer may recommend such plan changes and modifications as he/she deems necessary; and,

(c) The plan does not propose a use requiring special exception or conditional use approval.

(2) If the Township Planning Director exempts a plan from review by the Township Planning Commission, then within 60 days after submission of said plan, unless extended by the applicant, the Township Engineer shall recommend to the Board of Commissioners, in writing, that the final plan be approved or disapproved together with the documented findings upon which the recommendations are based, and include any recommendations made by the Township Planning Director and the Township Zoning Officer.

(3) With respect to a plan that is exempt, references in § 22A-502, Subsection 2A, to the date of the regular meeting of the Planning Commission shall be considered to refer to the date of the Township Engineer's recommendation to the Board of Commissioners.

C. The plan recording procedures of § 22A-503 shall apply.

D. The submission shall comply with the drawing requirements and the applicable submission requirements of §§ 22A-403 and 22A-504 and Part 7, except that the boundaries of any residual tract which is greater than 10 acres may be determined by deed. The boundaries of any residual tract which is 10 acres or less shall be determined by accurate field survey or as determined by the Township.

2. Where two adjoining lots held in common ownership in the AP-Agricultural Preservation, R- Rural, SR-Semi-Rural or S-Suburban Zoning Districts are proposed to extinguish a lot line to create one single lot, a Deed of Consolidation may be filed with Lehigh County and a signed and sealed plot plan with the Deed of Consolidation shall be submitted to the Township Planning Department. The land owner shall identify the newly assigned address and tax parcel number with the required submission. The Township Planning Director shall report the lot consolidation to the Planning Commission and the Board of Commissioners in a public meeting.

**Section 5.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 7 Design Standards, shall be amended by deleting § 22A-703 Block Design Standards in its entirety, and restating to read as follows:

§ 22A-703 **Block Design Standards.**

**1. Block Layout.**

**A.** The length, width and shape of blocks shall be determined taking the following factors into account:

(1) Provision of adequate sites for buildings of the type proposed.

(2) Township zoning requirements.

(3) Topography.

(4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

**B.** Residential blocks shall be no less than 500 feet in length or no more than 1,600 feet in length.

**C.** In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

**D.** Where practicable, blocks along arterial and collector streets shall not be less than 1,000 feet long.

**2. Block Depth.**

**A.** Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(1) Where reverse frontage lots are required.

(2) Where prevented by the size, topographical conditions or other inherent conditions of the property.

(3) Where the proposed block abuts the following highways or bypass roads: US Route 78, PA Turnpike Northeast Extension, PA Route 222.

**3. Postal Service.**

**A.** All blocks within a proposed subdivision shall adhere to the most recent and applicable United States Postal Service delivery standards as confirmed by the Postmaster in the jurisdiction where

the proposed subdivision is located. Plans shall reflect adherence to these requirements for postal service to the users/residents of the proposed subdivision.

**4. Commercial, Industrial and Planned Cluster Development Blocks.**

**A.** Blocks in commercial, industrial and planned cluster developments may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for traffic circulation, movement of emergency vehicles, off-street parking and loading areas.

**Section 6.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 7 Design Standards, shall be amended by deleting § 704 Lot Design Standards in its entirety, and restating to read as follows:

§ 22A-704 **Lot Design Standards.**

**1. General Standards.**

**A.** The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and in compliance with the Township Zoning Code [Chapter 27].

**B.** Side lot lines shall be at right angles to street lines or radial to curved street lines.

**C.** Lot lines shall follow municipal boundaries rather than cross them to avoid jurisdictional problems or conflicts.

**D.** Except for single-family attached and semi-detached dwellings, the depth of residential lots shall be neither less than one nor more than three times their width.

**E.** Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, movement of emergency vehicles, loading and unloading, setbacks, green space, landscaping, etc.

**F.** If, after subdividing, there exist remnants of land, they shall be either:

(1) Incorporated in existing or proposed lots; or,

(2) Legally dedicated to public use, if acceptable to the Township.

**G.** No utility, storm water or any other easement or right-of-way may transect a subdivided residential lot. All such easements or rights-of-way shall run directly parallel to side, rear or front lot line.

**H.** No residential subdivision of three (3) or more residential lots shall design or propose vertical retention walls. Existing topography shall be respected during the subdivision process in the creation of buildable residential lots.

**I.** No residential lot in a subdivision of three (3) or more lots shall directly abut US Route 78, PA Turnpike Northeast Extension or PA Route 222. A residual open space buffer lot not less than 100 feet in depth shall separate any residential lot in a subdivision of three (3) or more lots from the aforementioned roadways' right-of-way line. This lot shall include a Class C Buffer in compliance with the Township Zoning Code and its Design Guidelines [Chapter 27], which buffer may be credited against the Township's open space dedication requirements.

**J.** In accordance with Township's Storm Water Management Codes [Chapters 22A, 23A and 23B], storm water best management practices (BMPs) are required within certain watersheds and subdivisions. The following storm water and/or water quality BMPs are prohibited on residential lots in subdivisions of three (3) or more lots:

- (1) Rain gardens and bioretention facilities.
- (2) Vegetated filter strips.
- (3) Spray or drip irrigation.
- (4) Infiltration berms or basins.
- (5) Seepage pits and dry wells.
- (6) Subsurface infiltration beds.
- (7) Amended soils in any yard except the front yard.
- (8) Dry or wet retention and detention basins.
- (9) Trees for storm water or reforestation credits outside the public street right-of-way of a residential lot.

All required storm water and water quality BMPs shall be located on separate lots owned and maintained by a homeowners or community association, or on lots offered for dedication to the Township, and accepted by the Township.



**K.** Any new subdivided residential lot shall include at least 20% additional total impervious cover in site design calculations for future additional permitted impervious surface on the lot to accommodate sheds, patios, decks, additions, pools, etc. Such additional impervious coverage allowance shall be calculated and designed in accordance with the Township Storm Water Management Codes [23A, 23B and 23C] and all Commonwealth and county requirements.

**2. Lot Frontage.**

**A.** All buildings designed or constructed for human occupancy or use shall have direct access to a public street or to a private street which is built to the street standards of this chapter.

**B.** Double or reverse frontage lots shall provide adequate separation of residential development building envelopes from collector or arterial streets and overcome or compensate for disadvantages due to site topography and other natural features of the proposed subdivision tract.

**C.** All residential reverse frontage lots (and all corner lots with a lot line along a street where reverse frontage is required) shall have a yard with a minimum depth of 75 feet, measured along the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such yard and immediately adjacent to the right-of-way, have a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

**3.** Bollards shall be provided at public building entrances and exits along the interface where pedestrian traffic enters or exits driveways or parking areas designated for vehicular traffic. Outdoor eating and gathering areas shall also include installation of bollards along vehicular access driveways and parking areas. Such bollards are intended to provide for clear separation of vehicular and pedestrian traffic as well as vehicle impact resistance. Bollards shall be required where no curbing or depressed curbing is proposed and at outdoor eating and gathering areas and shall comply with the following requirements:

**A.** Constructed of steel not less than four (4) inches and not greater than eight (8) inches in diameter and concrete filled;

**B.** With a minimum clear spacing between bollards of four (4) feet and maximum clear spacing of five (5) feet;

**C.** Set not less than forty-two (42) inches deep in a concrete footing of not less than eighteen (18) inches in diameter;

**D.** Set with the top of the posts not less than three (3) feet above the ground;

**E.** Aligned so as not to obstruct pedestrian travel in designated crosswalks or on sidewalks;

**F.** Of color and design consistent with individual sites and other developments across the Township, and as approved by the Township Planning Director; and,

**G.** Properly maintained with no visible rust or corrosion and kept in uniform alignment

**Section 7.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 7 Design Standards, § 708 Storm Drainage Systems, shall be amended by deleting Subsection 4. C. in its entirety, and restating as follows:

§ 22A-708 **Storm Drainage Systems**

\* \* \* \* \*

**4. C.** Where retention or detention facilities are included as part of the storm drainage system, the following provisions will apply:

**(1)** All retention and detention ponds, except for those incorporating an infiltration function, spray irrigation system or a wet pond, shall be designed so that they return to normal conditions within 12 hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.

**(2)** The developer shall demonstrate that such ponds are designed, protected and located to assure that public safety is maximized and health problems minimized. The following minimum criteria shall apply:

**(a)** Top berm width shall be a minimum of 10 feet.

**(b)** Side slopes shall be six horizontal to one vertical or flatter. If the retention or detention facility is to be privately owned and have a permanent wet bottom pond with naturalized low growing vegetation, then the maximum slope shall be four and a half horizontal to one vertical or flatter.

**(c)** Any pond that may, as designed, impound water to a depth in excess of 48 inches (as measured to the water surface elevation during the one-hundred-year storm) shall be enclosed with:

**1)** A 4-foot high durable chain-link fence, high grade black vinyl clad with high grade black painted posts, cross-members, black bottom rail and hardware.

**2)** In Commercial or Industrial Zoning Districts identified in the Township Zoning Code [Chapter 27], a 4-foot high high-quality post-and-rail lumber, Trex or equivalent material fence of an acceptable earth-tone color with high grade durable black vinyl coated mesh barrier and bottom rail along the mesh.

**3)** A fence approved by the Board of Commissioners as equivalent.

**(d)** All ponds shall be naturalized as required by the Township Zoning Code and Design Guidelines [Chapter 27]. Plantings shall include attractive vegetation placed throughout the basin and appropriately chosen for wet areas, slopes or at berms with appropriate Ernst seed mixes. The Board of Commissioners may require vegetative buffers to residential areas or other uses where deemed necessary and recommended by the Township Planning Director in consultation with the Township Engineer and Township Zoning Officer.

**(e)** All ponds which are designed with a permanent water level shall incorporate one or more of the following fly and mosquito control provisions:

**1)** Aeration, such as fountains, may be proposed as a means of reducing stagnant conditions necessary for flies and mosquitos to breed.

**2)** Fish may be stocked in ponds with a permanent water level of sufficient surface area and depth to support a healthy fish population. A fish stocking and management plan shall be submitted with the application for approval.

**(f)** All detention and retention ponds, except those that incorporate an infiltration function, shall incorporate an impervious clay liner or a synthetic liner with maximum permeability rates as outlined for clay liners in this chapter and as approved by the Township Engineer.

**(g)** Fencing and screening of retention and detention ponds shall be in place before the issuance of any occupancy permit for a land development or subdivision utilizing such retention or detention ponds.

**(h)** Whenever a retention or detention pond is located on lands open space or recreation land (as defined in § 22A-202 of this chapter), the retention or detention pond area and the open space/recreation area(s) shall be located on separate lots such that the retention or detention pond area and the open

space/recreation land area(s) can each be separately offered for dedication to the Township.

(3) The developer shall verify that the operation of the retention or detention facility will not increase potential downstream peak conditions.

(4) Emergency overflow facilities shall be provided for retention and detention facilities to handle runoff in excess of design flows.

(5) If the lands of the proposed land development will remain in common ownership, the developer shall provide an annotation on the record plan imposing a covenant running with the land requiring perpetual maintenance of the retention or detention pond by either a community or homeowners association or by the owner of the development.

(6) If the lands of the proposed land development will be conveyed to two or more separate owners, the developer shall, at the option of the Township, either provide an annotation on the record plan imposing a covenant running with the land requiring perpetual maintenance of the retention or detention pond by either a community or homeowners association, or by the lot owners, or shall dedicate the land on which the retention or detention ponds are located to the Township which shall then be responsible for maintaining the retention or detention ponds.

(7) All retention and detention ponds shall provide for access for maintenance and repair, appropriate gates, stable access drives with materials approved by the Township Engineer such as geo-grid or equivalent materials. All such proposed access drives shall be reviewed and approved by the Township Engineer.

**Section 8.** The Code of Lower Macungie Township, Chapter 22A, Subdivision and Land Development, Part 7 Design Standards, § 710 Environmental Protection, shall be amended by deleting paragraph 2., subsection C. Top Soil Protection, in its entirety, and restating as follows:

§ 22A-710 **Environmental Protection**

\* \* \* \* \*

**2. C. Top Soil Protection**

(1) Topsoil shall not be removed from any site or property without an approved grading plan or other written approval from the Township.

(2) Unless otherwise approved in writing by the Township, all final site grading shall maintain a minimum depth

of 6 inches of topsoil upon completion of any new construction or land development.

**Section 9.** The Code of Lower Macungie Township, Chapter 22C, Standards for Improvements Construction, Part 1 General, § 22C-109 Tree Planting and Landscaping, shall be amended by adding a new paragraph 5. to read as follows:

**§ 22C -109 Tree Planting and Landscaping**

\* \* \* \* \*

**5. Landscaping Maintenance.**

**A.** The applicant shall make arrangements acceptable to the Township that all landscape improvements installed in accordance with Township ordinances shall be guaranteed and maintained in a healthy and/or sound condition, or replaced by improvements deemed equivalent by the Township.

**(1)** Landscape improvements approved for commercial, institutional, and commonly owned land at residential subdivisions and land developments shall be perpetually maintained in a healthy and/or sound condition. Applicants shall record a covenant on the property in a form acceptable to the Township Solicitor to guarantee this requirement.

**(2)** Replacement plant material shall be installed within 20 days of notification by the Township to do so. Such notification shall take into account weather conditions adverse to new planting. Failure to replace trees and/or other plant material as required shall subject the person(s) responsible for such replacement to the fines and penalties of §22A-1103, except the minimum fine shall be \$50 per day, per site.

**Section 10.** Nothing in this Ordinance or in Chapters 22A and 22C of the Code of the Township of Lower Macungie, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 22A or 22C prior to the adoption of this amendment.

**Section 11.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 12.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Lower Macungie Township this \_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MACUNGIE

\_\_\_\_\_  
Ronald W. Beitler, President

ATTEST:

\_\_\_\_\_  
Renea Flexer, Assistant Township Manager/Secretary

	Motion	2nd	Yes	No	Abstain
R.R. Beitler					
R.W. Beitler					
B. Higgins					
M. Robert					
R. Ward					