

COPY

**TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013 -01

[Adopted March 7, 2013]

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 (ZONING) OF THE CODE OF THE TOWNSHIP OF UPPER MACUNGIE, KNOWN AS THE UPPER MACUNGIE TOWNSHIP ZONING ORDINANCE AND THE SECTIONS OF CHAPTER 27 AS HEREINAFTER SET FORTH. SPECIFICALLY, THIS ORDINANCE AMENDS PROVISIONS RELATED TO THE DEFINITIONS OF "DWELLING" AND "HEIGHT"; CERTAIN PERMITTED USES; REQUIREMENTS FOR TOWNHOUSES AND APARTMENTS; CERTAIN SIGHT DISTANCE CRITEREA AND AMENDS THE CONSERVATION DESIGN DEVELOPMENT BY PERMITTING APARTMENTS ALL OF WHICH ARE FULLY SET FORTH IN THE BODY OF THIS ORDINANCE AND ALL OF WHICH ARE IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, P.L. 805, NO. 247, AS REENACTED AND AMENDED, 53 P.S. §10609.

SECTION 1. AMENDMENTS, INSERTIONS AND CHANGES

The following Sections denoted by Section numbers are amended, with such amendments being denoted by bold underlining. (**bold underlining**)

The following Sections or parts thereof denoted by Section numbers are added, with such additions being denoted by the word "NEW" preceding the addition which shall be denoted by bold text (**bold text**).

The following Sections or parts thereof denoted by Section numbers are deleted, with such deletions being denoted by brackets and strikethrough (~~[strikethrough]~~).

For purposes of Codification, all Sections noted herein follow the Sections as set forth in the Code of Ordinance of the Township of Upper Macungie, revised through October 1, 2009.

SECTION 2. BODY OF THE ORDINANCE

A. Section 27-202. Terms Defined. Amended as follows:

DWELLING

B. ~~[Low-Rise]~~ Apartments (Garden Apartments) Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls. ~~[(see definition of townhouses). This shall include buildings with a maximum height of 3 1/2 stories or 35 feet, whichever is lesser.]~~ The individual dwelling units may be leased or sold for condominiums.

~~[C. Mid-Rise Apartments. Three or more dwelling units within a building that is higher than 35 feet or 3 1/2 stories.]~~

G. Townhouse. ~~[One Dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access.]~~ **A single family Dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.** Townhouses are also commonly referred to as “row houses” or “single family attached dwellings.”

Height ~~[The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof.]~~ **Height shall be measured as the vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure.** See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled “Signs.”

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B. Section 27-306. Table of Permitted Uses by District. Amended as follows:

Section 27-306.2. Permitted Use Table.

Residential Districts.

Types of Uses (see definitions in Part 2)	Residential Districts							
	RU3	RU1.5	R1	R2	R3	R4	R5	OSP
Institutional Uses								
<u>Day Care Center, Child (§27-402), as a principal use</u>	N	N	N	P ¹	P ¹	P ¹	P ¹	N

Business Districts.

Types of Uses (see definitions in Part 2)	Business Districts					
	NC	HC	LI	LI(L)	GI	RT
Institutional Uses						
<u>Day Care Center, Child (§27-402), as a principal use</u>	P	P	P	P	N	C 5

C. "REPEALED" in its entirety Section 27-402.JJJ "Townhouses and Low-Rise Apartments.

D. "NEW" Section 27-402.JJJ Townhouses and Apartments

(1) Townhouses

- a. **Maximum Number of Dwelling Units Within Any Townhouse Building shall be eight (8) per building.**
- b. **Density. The permitted maximum density for townhouses shall be based upon the amount of buildable area as follows:**
 - i. **The following shall be subtracted from the total "lot area" of the "tract" (as defined in Section 202) to determine the "buildable area":**

A. Areas within the future rights-of-ways of pre-existing

or previously approved streets;

B. Areas with natural slopes greater than 15 percent, except such areas shall not be deleted if the applicant establishes a conservation easement protecting all such areas;

C. Seventy Five (75%) percent of areas within the 100 year floodplain as defined by Federal floodplain maps, except only 25 percent of such areas shall be subtracted if the applicant establishes a conservation easement (as defined in Article II) protecting all such areas.

ii. The following areas are not required to be deleted from the "buildable area" - provided that they do not include areas that are specifically required to be deleted under the standards in part "i" above:

A. Rights-of-way of streets that do not exist or that were not previously approved;

B. Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area;

C. Storm water detention basins;

D. Areas that will be dedicated as common open space; and

E. Power line rights-of-ways (see setbacks in Section 803.B.9).

iii. The "buildable area" as determined above shall be divided by the following amount of square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract.

A. R-3 District 8,000 square feet

B. R-4 District 6,500 square feet

C. R-5 District 5,500 square feet

Note - A fee simple minimum lot area is not required for each individual townhouse.

- iv. **The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.**
- v. **If a townhouse development will clearly be permanently restricted to persons age 55 or older and/or the physically handicapped, then the permitted number of dwelling units on the tract may be increased by 15 percent.**
- vi. **Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.**
- c. **Variety in Design. Developments of more than 50 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variation in roof lines of structures is strongly encouraged.**
- d. **Changes in Facade. For every attached grouping of townhouses, 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. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling.**
- e. **Buffer Yard - A 20 feet wide buffer yard with screening shall be provided by the developer of the townhouses, as described in Section 803.D., between any townhouse buildings and:**
 - i. **Any abutting existing single family detached dwelling within 100 feet or**
 - ii. **The right-of-way of an expressway within 100 feet or**

- iii. **The right-of-way of an arterial street that abuts the rear of the townhouse units and is within 100 feet.**
- f. **Lot Requirements.**
 - i. **Minimum Tract Width and Depth - 150 feet each.**
 - ii. **Minimum Tract Area - 2 acres.**
- g. **Building Size Requirements.**
 - i. **Maximum Building Length - 200 feet.**
 - ii. **Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 26 feet for any townhouse that: 1) has 2 or more off-street parking spaces located within 20 feet of the front of the townhouse or 2) has garage door(s) for 2 or more motor vehicles facing onto the front of a townhouse.**
 - iii. **Maximum Building Height - 35 feet and 3 stories for a principal building; 25 feet and 1 story for an accessory structure.**
 - iv. **Floor Area - See Section 801.D.**
- h. **Building Setback and Separation.**
 - i. **Minimum Setback for townhouse buildings, whichever is most restrictive:**
 - A. **For principal buildings from all exterior lot lines (other than that of a single family detached dwelling) and from all existing street rights-of-ways (other than expressways) exterior to the tract - 50 feet.**
 - B. **For principal buildings from the lot lines of an existing single family detached dwelling or the existing right-of-way of an expressway - 75 feet.**
 - C. **For principal buildings from an existing right-of-way of a street constructed within the tract - 25 feet or from the cart way of a private street if a right-of-way does not exist.**

- D. For accessory structures in the side or rear yard along an existing street right-of-way constructed within the tract - 25 feet or from the cart way of a private street if a right-of-way does not exist.
- E. For accessory structures from all lot lines exterior to the tract other than existing street rights-of-way - 25 feet.
- F. For accessory structures from all existing street rights-of-way exterior to the tract and from all front lot lines along a street - 50 feet.
- G. All principal and accessory structures shall be setback at least five (5) feet from any easement. This shall apply in addition to any required setback.

ii. Separation.

- A. Each principal building shall be separated by a minimum of twenty-five (25') feet from any other principal building. All buildings constructed on opposing sides of a street or road, shall be constructed in an offset or staggered manner.
- B. Any area of 4 adjacent net acres that includes an average of 12 dwelling units or more an acre shall be separated by a minimum of 10,000 square feet of vegetated usable common open space from any other townhouses.

i. Minimum Private Area.

- i. For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
- ii. If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus the 200 square feet.
- iii. Design measures shall be used to seek an appropriate level of privacy in any rear yards, such measures might include landscaped screening, compatible fencing or earthen berm.

The intent is to avoid the placement of incompatible fencing by individual land owners in the future.

- iv. **Storage.** If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a small storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access.
- j. **Architectural Renderings.** Preliminary architectural renderings, models or photos are requested for any townhouse development of more than 25 units.
- k. **Paved Area Setback -** All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.
- l. **Garages.** It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- m. **Mailboxes.** Any mailboxes provided within the future street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- n. **Access.** Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- o. **Common Open Space.** For any townhouse development involving 25 or more dwelling units, a minimum of 10 percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Ordinance or common open space or fees-in-lieu of open space requirements set forth in the Subdivision and Land Development Ordinance. Common Open Spaces are encouraged to be used as a buffer against any abutting major roads.

- a. **Maximum Number of Dwelling Units Within any Building or within attached Buildings shall be sixteen (16) per building.**
- b. **Density. The permitted maximum density for apartments shall be based upon the amount of buildable area as follows:**
 - i. **The following shall be subtracted from the total "lot area" of the "tract" (as defined in Section 202) to determine the "buildable area":**
 - A. **Areas within the future rights-of-ways of pre-existing or previously approved streets;**
 - B. **Areas with natural slopes greater than 15 percent, except such areas shall not be deleted if the applicant establishes a conservation easement protecting all such areas;**
 - C. **Seventy Five (75%) percent of areas within the 100 year floodplain as defined by Federal floodplain maps, except only 25 percent of such areas shall be subtracted if the applicant establishes a conservation easement (as defined in Article II) protecting all such areas.**
 - ii. **The following areas are not required to be deleted from the "buildable area" - provided that they do not include areas that are specifically required to be deleted under the standards in part "i" above:**
 - A. **Rights-of-way of streets that do not exist or that were not previously approved;**
 - B. **Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area;**
 - C. **Storm water detention basins;**
 - D. **Areas that will be dedicated as common open space; and**
 - E. **Power line rights-of-ways (see setbacks in Section**

- i. For any development that will not be limited to residents 55 years and older, at least 50 percent of the required common open space shall: a) be contiguous, b) have slopes of less than 10 percent and c) be planted in grass and trees. If such development includes over 100 dwelling units, then part of the required common open space shall include approved types of children's playground equipment located over an appropriate soft surface and an open "pick-up" recreation field of less than 6 percent slope forming a rectangle of at least 200 feet length and 100 feet width.
- ii. For any development limited to persons 55 years and older, the required common open space shall be suitable for passive recreation, with appropriate landscaping, benches and paths or trails.
- iii. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Board of Supervisors, that there will be an adequate permanent method in place to maintain the common open space.
- iv. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
- p. **Condominiums.** The division of land into individual lots is not required, but instead condominium ownership may be used. See Section 814 concerning condominiums and homeowner association agreements.
- q. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- r. **Additional Requirements:**
 - i. For Construction of Private Streets - See Section 801 "Frontage Onto Improved Streets."
 - ii. For preservation of natural buffers - See Section 803.D. For dumpster screening - See Section 512.

(2) Apartments.

803.B.9).

- iii. The "buildable area" as determined above shall be divided by the following amount of square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract.
 - A. R-3 District 8,000 square feet
 - B. R-4 District 6,500 square feet
 - C. R-5 District 4,500 square feet
- iv. If an apartment development will clearly be permanently restricted to persons age 55 or older and/or the physically handicapped, then the permitted number of dwelling units on the tract may be increased by 15 percent.
- v. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
- c. **Variety in Design.** Developments of more than 50 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variation in roof lines of structures is strongly encouraged.
- d. **Changes in Facade.** For every building, 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. This requirement may be met by differing setbacks along the front of a dwelling.
- e. **Buffer Yard -** A 20 feet wide buffer yard with screening shall be provided by the developer of the apartments, as described in Section 803.D., between any building and:
 - i. Any abutting existing single family detached dwelling within 100 feet or
 - ii. The right-of-way of an expressway within 100 feet or
 - iii. The right-of-way of an arterial street that abuts the rear of the townhouse units and is within 100 feet.

- f. Lot Requirements.**
 - i. Minimum Tract Width or Depth - 150 feet each.**
 - ii. Maximum Tract Area in R3 and R4 Zones – 10 Acres.**
- g. Building Size Requirements.**
 - i. Maximum Building Length - 200 feet.**
 - ii. Maximum Building Height - 35 feet and 3 stories for a principal building; 25 feet and 1 story for an accessory structure.**
 - iii. Floor Area - See Section 801.D.**
- h. Building Setback and Separation.**
 - i. Minimum Setback for apartment buildings, whichever is most restrictive:**
 - A. For principal buildings, from all exterior lot lines (other than that of a single family detached dwelling) and from all existing street rights-of-ways (other than expressways) exterior to the tract - 50 feet.**
 - B. For principal buildings, from the lot lines of an existing single family detached dwelling or the existing right-of-way of an expressway - 75 feet.**
 - C. For principal buildings, from an interior private road constructed within the tract - 25 feet.**
 - D. For accessory structures, from all lot lines exterior to the tract, including existing street rights-of-ways - 35 feet – unless said accessory structure is designated for off-street parking; bus-stops and/or screening for refuse containers.**
 - E. All principal and accessory structures shall be setback at least five (5) feet from any easement. This shall apply in addition to any required setback.**

ii. Separation.

- A. Each principal building shall be separated by a minimum of twenty-five (25') feet from any other principal building. All buildings constructed on opposing sides of a street or road, shall be constructed in an offset or staggered manner to provide residents with a clear line of sight.
 - B. Any area of 4 adjacent net acres that includes an average of 12 dwelling units or more an acre shall be separated by a minimum of 10,000 square feet of vegetated usable common open space from any other Apartment.
- i. Architectural Renderings. Preliminary architectural renderings, models or photos are requested for any apartment development of more than 25 units.
 - j. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any structure.
 - k. Mailboxes. Any mailboxes provided within the future street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
 - l. Access. All vehicular access points shall be limited to interior roadways.
 - m. Common Open Space. For any Apartment development involving 25 or more dwelling units, a minimum of 10 percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Ordinance or common open space or fees-in-lieu of open space requirements set forth in the Subdivision and Land Development Ordinance. Common Open Spaces are encouraged to be used as a buffer against any abutting major roads.
 - i. For any development that will not be limited to residents 55 years and older, at least 50 percent of the required common open space shall: a) be contiguous, b) have slopes of less than

10 percent and c) be planted in grass and trees. If such development includes over 100 dwelling units, then part of the required common open space shall include approved types of children's playground equipment located over an appropriate soft surface and an open "pick-up" recreation field of less than 6 percent slope forming a rectangle of at least 200 feet length and 100 feet width.

- ii. For any development limited to persons 55 years and older, the required common open space shall be suitable for passive recreation, with appropriate landscaping, benches and paths or trails.
- iii. The applicant shall prove to the satisfaction of the Board of Supervisors, that there will be an adequate permanent method in place to maintain the common open space.
- iv. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
- n. **Condominiums.** Condominium ownership may be used. See Section 814 concerning condominiums and homeowner association agreements.
- o. **Additional Requirements:**
 - i. For Construction of Private Streets - See Section 801 "Frontage Onto Improved Streets."
 - ii. For preservation of natural buffers - See Section 803.D. For dumpster screening - See Section 512.

E. Section 27-803. Special Lot and Yard Requirements, Sight Distance and Buffer Yards. Amended as follows:

§ 27-803.3. Sight Distance at Intersections.

A. Intent. Approach sight triangle shall be applied to each leg of an intersection to ensure that traffic passing through the intersection or turning onto a street can safely see approaching emergency vehicles. These regulations are contained in Geometric Design for Highways and Streets – latest edition. These sight triangles vary with the speed limit established for the roadway. Sight triangles shall be a minimum of 115 feet for 25 MPH; 165 ~~140~~ for 35 mph, 195 ~~165~~ for 40 mph, 220 feet for 45 mph, 245 for 50 mph and 285 for 55 mph and above. The distance shall be

measured from the center of the approach and conflict lanes. This approach distance does not apply to driveways. Safe sight distances for stop or other controlled conditions for roadways and driveways are regulated by the Subdivision and Land Development Ordinance which requirements are in addition to the requirements of this section.

F. PART 9 CONSERVATION DESIGN DEVELOPMENT. Amended as follows:

§ 27-901. Purposes.

To allow flexible development of areas with environmentally sensitive natural features in such as to: a) Avoid severe soil erosion and sedimentation; b) Encourage development in areas that are more physically suited to this type of development; c) Avoid construction on steep slopes; d) Preserve forested areas and farmland; e) Preserve significant land areas as a Conservation Area; **and f) Provide additional active and passive recreation and access to natural open space.**

§ 27-902. Applicability.

A. Definitions.

1. The term "Conservation Design Development" shall refer to a residential development which satisfies all of the requirements of this Article. A Conservation Design Development in the RU3, RU1.5 and R1 districts shall only provide for the construction of single family detached dwellings. A Conservation Design development in the R2, R3, R4 and R5 districts may provide for the construction of either single family attached dwellings, single family detached dwellings or a combination of ~~[the two]~~ **both dwelling types and apartments – however a Conservation Design Development shall not provide for a combination of apartments with any other type of Dwelling.**

3. In the context of computing density for Conservation Design Development, the term ~~[total tract area]~~ **Total Tract Area** shall not include areas within the existing or ultimate rights-of-way for existing streets, areas within an easement for existing overhead electric transmission lines or underground gas transmission lines or existing areas within the 100 year floodplain or areas determined to be wetlands. The ~~[total tract area]~~ **Total Tract Area** shall be computed as shown in the example below:

B. A tract of land may be eligible for a Conservation Design Development if it includes a minimum **Gross Deed Area** ~~[land area]~~

of twenty (20) acres in common ownership. This tract shall be contiguous, however, portions of the tract may be separated by proposed streets or existing streams. Tracts separated by an existing public street may be developed as a single development provided that the minimum Gross Deed Area [~~land area~~] is achieved on each side of the street.

“NEW” § 27-904 – APARTMENTS. - If approved as a Conservation Design Development (CD), then a land development comprised of Apartments shall be subject to the following requirements.

1. An Apartment Conservation Design Development shall be afforded with the following relief from Article 4, Section 402.JJJ.2 of the Upper Macungie Township Zoning Ordinance:
 - A. Building Size Requirements.
 - i. Maximum Building Length - 225 feet.
 - ii. Maximum Building Height - 50 feet Maximum Building Height with a maximum of three (3) stories for a principal building; 25 feet and 1 story for an accessory structure.
 - iii. Maximum Building Width – 80 feet
 - B. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings shall be twenty-six (26) units for a three (3) story building.
 - C. Maximum Tract Area for R3 and R4 Zones – No Maximum Tract Area.
 - D. Density/Buildable Area. The "Buildable Area" as set forth in Section 402.JJJ.2 shall be divided by the following amount of square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract.
 - i. R-3 District 5,000 square feet
 - ii. R-4 District 4,000 square feet
 - iii. R-5 District 3,000 square feet
2. An Apartment Conservation Design Development shall be comply with the following requirements which are in addition to the requirements of Article 4, Section 402.JJJ.2 of the Upper Macungie Township Zoning Ordinance.
 - A. Building Setback and Separation.
 - i. Minimum Setback for apartment buildings, whichever is most

restrictive:

- (a) For principal buildings, from all exterior lot lines (other than that of a single family detached dwelling) and from all existing street rights-of-ways (other than expressways) exterior to the tract - 50 feet.
 - (b) For principal buildings, from the lot lines of an existing single family detached dwelling or the existing right-of-way of an expressway - 100 feet.
 - (c) For principal buildings, from an interior private road constructed within the tract - 30 feet.
 - (d) For accessory structures, from all lot lines exterior to the tract, including existing street rights-of-ways - 35 feet – unless said accessory structure is designated for off-street parking; bus-stops and/or screening for refuse containers.
 - (e) All principal and accessory structures shall be setback at least five (5') feet from any easement. This shall apply in addition to any required setback.
- ii. Separation. There shall be a separation between each principal building as follows:
- (a) For principal buildings having a maximum height of forty (40') feet or less, the separation between buildings shall be a minimum of twenty-five (25') feet.
 - (b) Principal buildings have a maximum height of more than forty (40') feet but less than fifty (50'), the separation between buildings shall be a minimum of forty (40') feet.

All buildings constructed on opposing sides of a street or road, shall be constructed in an offset or staggered manner to provide residents with a clear line of sight.

B. Street right-of-ways.

- i. In order to allow access for emergency response vehicles, all streets, roads and driveways serving the apartment development, whether private or public, shall have a minimum paved width of thirty (30') feet. Said thirty (30') feet shall exclude any paved areas designated for on-street parking.
- ii. Apartment Conservation Design Developments shall have a street system which provides for at least two points of access to the development. The street system must include a collector road to provide sufficient emergency access as determined by the Township Fire Commissioner in his sole discretion. If Project is to be developed in Phases, the Project must provide for at least two points

Total Density

1,197,900 SF ÷ 5,000 = 239.6 (240) Units – R-3
1,197,900 SF ÷ 4,000 = 299.4 (299) Units – R-4
1,197,900 SF ÷ 3,000 = 399.3 (399) Units – R-5

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective five (5) calendar days after the date of enactment.

SECTION 4. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

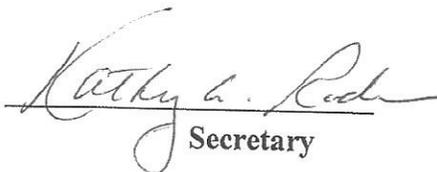
SECTION 5. REPEALER

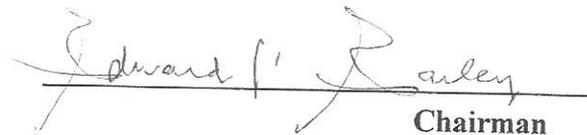
All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED the ^{7th} day of March, 2013 by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in a lawful session duly assembled.

ATTEST:

**TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS**


Secretary


Chairman