TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. ___
(Duly Adopted _____, 2019)

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP, CHAPTER 312, OTHERWISE REFERRED TO AS THE SOUTH WHITEHALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, (1) AMENDING SECTION 312-23(b), MINOR PLAN DRAWING REQUIREMENTS, TO INCLUDE THE REQUIREMENTS FOR PRELIMINARY PLAN TO INCLUDE AN INDEX SHEET, STREET ADDRESSES AND LANDSCAPING PLAN SHEET; (2) AMENDING SECTION 312-10(a), SKETCH PLAN SUBMISSION REQUIREMENTS, TO INCLUDE THE REQUIREMENTS FOR PROOF OF PLAN TRANSMITTAL TO LANTA AND US POSTAL SERVICE; (3) AMENDING SECTION 312-12(b)(41) TO CORRECT AN OBSOLETE REFERENCE; (4) AMENDING SECTION 312-22 (f)(1) TO CORRECT A FORMATTING ERROR; (5) AMENDING SECTION 312-36(c)(4)(C) TO INSERT A NEW PROVISION REGARDING THE PERMITTED 0-FOOT OFFSET FOR DRIVEWAYS OPPOSITE AN INTERSECTING STREET; (6) AMENDING SECTION 312-6, GENERAL TERMS, NUMEROUS SUBSECTIONS WITHIN SECTION 312-36(d)(4), OPEN SPACE AND COMMUNITY FACILITIES, AND SECTION 312-52 DESIGN STANDARDS TO CREATE A CONSISTENT CONCEPT OF OPEN SPACE; AND PROVIDING A GENERAL REPEALER, SEVERABILITY CLAUSE, AND EFFECTIVE DATE

WHEREAS, South Whitehall Township readopted a new Subdivision and Land Development Ordinance on April 19, 2017; and,

WHEREAS, The South Whitehall Township Board of Commissioners recognizes that the Subdivision and Land Development Ordinance may require adjustments as the new regulations are put into practice; and

WHEREAS, The South Whitehall Township Board of Commissioners has reviewed a number of adjustments to the Subdivision and Land Development Ordinance recommended by Township staff and finds the adjustments necessary for the efficient administration of the Subdivision and Land Development Ordinance; and

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

WHEREAS, the South Whitehall Township Planning Commission has reviewed this Ordinance at a duly advertised public meeting on December 13, 2018, and recommended approval thereof; and

WHEREAS, The South Whitehall Township Board of Commissioners has conducted a public hearing pursuant to public notice concerning the following amendments to the South Whitehall Township Subdivision and Land Development Ordinance; and

WHEREAS, after public hearing pursuant to public notice, The South Whitehall Township Board of Commissioners desires to ordain and enact the amendments to the South Whitehall Township Subdivision and Land Development Ordinance as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by The South Whitehall Township Board of Commissioners and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1. AMENDMENTS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Amendment 1. Amend Section 312-23(b) by replacing all of the existing subsections in their entirety with the following:

(1) The plan shall be drawn at one of the following scales: 1" = 20'; 1" = 30'; 1" = 40'; 1"=50'; 1"=60; 1" = 80'; 1"=100'.

(2) The plan sheet size shall be 24" x 36", 30" x 42", or other size pre-approved by the Township Engineer and permitted by the Lehigh County Recorder of Deeds.

(3) All sheets shall be the same size, and be numbered relative to the total number of sheets (e.g., 1 of 5, etc.).

(4) The plan(s) to be recorded shall include an index referencing each plan sheet in the plan set bearing the date and last revision date of each plan sheet. Each plan proposed to be recorded shall be identified in the index.

(5) A title block at the bottom center or at the bottom right of the plan showing:

(A) Name under which the subdivision is to be recorded.

(B) Scale.

(C) Date of plan and dates of all revisions.

(D) Name and address of the owner and of the Applicant, if different.

(E) Name and address of registered engineer or surveyor who prepared the plan.

(F) Name of municipality in which subdivision is located.

(6) The registered professional engineer and surveyor responsible for the plan and qualified to do such work according to Pennsylvania Act No. 367 of 1945, as amended, shall certify that the plan is correct as described and shall affix his/her name, address, license number, and seal. The statement of the plan should be worded, "I hereby certify the above plan and survey to be correct in all its details".

(7) The following statements should be signed and notarized by the Applicant:

(A) The Applicant is the owner, equitable owner or has an option or conditional contract of sale on the land proposed to be subdivided or developed, that no litigation or liens exist on or are pending against the site, that the plan has been processed with the Applicant's free consent and that the Applicant desires to record the plan.

(B) The Applicant certifies that he/she will properly grade all individual lots to provide adequate surface drainage so that no low spots or water pockets create a public nuisance and that he/she will place permanent concrete reference monuments to grade as noted on the plan upon completion of grading.

(C) The Applicant acknowledges that following approval of this plan, plan changes may be required to address the comments and regulations of outside agencies responsible to review any aspect of the project reflected on this plan, including but not limited to post-construction stormwater management and NPDES permit regulations. In the event of changes to the plan following approval (whether or not the plan has been recorded), the Applicant shall submit the revised plan to the Township for review before the Applicant may move forward with construction activities pursuant to the revised plan (whether or not the plan has been recorded).

(8) North point, graphic scale, date of plan, and revision dates.

(9) Legend sufficient to clearly distinguish existing and proposed features.

(10) Site data including:

(A) Total acreage of tract.

(B) Number of lots proposed and the area in square feet or acres for each lot.

(C) Type of water supply system.

(D) Type of sewage disposal system.

(E) Zoning District and dimensional requirements compared to the Applicant's proposal.

(F) Parcel Identification Numbers from County records.

(11) A location map at a scale not more than one thousand (1,000) feet to the inch; this map must show:

(A) Relation of tract to adjoining property.

(B) Related road and highway system within one thousand (1,000) feet of the subdivision tract.

(C) Municipal boundaries within one thousand (1,000) feet of the subdivision tract.

(D) Zoning district boundaries within one thousand (1,000) feet of the subdivision tract.

(E) Watercourses and any other areas subject to flooding (flood zones).

(12) Boundaries of the tract showing bearings and distances and having an error of closure not to exceed one foot (1') in ten thousand feet (10,000). All bearings and distances shall be indicated outside the boundary line not inside with the lot dimensions. When a plan is bounded with an irregular shore line of a body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plot includes all land to the water's edge or otherwise. The survey should tie into the nearest United States Geological Survey monument or other established benchmark, if feasible.

(13) Proposed lot layout with dimensions to the nearest foot and net lot areas to nearest square foot.

(14) Building setback lines.

(15) Topographic contours at vertical intervals of two (2) feet.

(16) The Datum to which contour elevations refer shall be tied to an established vertical datum preferably the North American Vertical Datum of 1988 (NAVD88) and/or provide applicable conversions to this datum. The benchmark should be shown on all applicable plans.

(17) The names of owners of immediately adjacent land, and the names of existing or proposed subdivisions immediately adjacent.

(18) All existing watercourses, wetlands, bodies of water, floodplain, significant tree masses and other significant features such as rock outcrops, slag piles, quarry holes, springs, and swampy areas. All trees over six (6) inches in diameter at a height of 4.5 feet above adjacent grade.

(19) The locations, size and owners of existing buildings, sewer mains, water lines, storm sewers, culverts, petroleum or petroleum products lines, gas lines, transmission lines, fire hydrants, underground tanks, wells, septic systems within one-hundred (100) feet of the tract, and other significant man-made features.

(20) The location, character and elevation of any building within one-hundred (100) feet of the tract.

(21) The locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within four hundred (400) feet of any part of the subdivision tract. If the tract is bisected by a municipal boundary, the boundary to be shown on the plans shall be as depicted on the tax maps unless another boundary has been accepted by both municipalities.

(22) Soil types and mapped limits.

(23) Location of proposed water and sanitary sewer services.

(24) Evidence that safe sight distance measurement in accordance with the PENNDOT requirements can be met at a potential non-residential driveway location.

(25) Location and dimensions of all easements and lots proposed to be dedicated or reserved for public use with dimensions in feet and tenths of a foot.

(26) Location of permanent reference monuments in accordance with Section 312-36(f) of these Regulations.

(27) Location and type of proposed shade trees in accordance with Section 312-40 of these Regulations.

(28) The Applicant shall submit a project narrative that describes the proposal. This written statement shall identify the Zoning District within which the subject property is located, the names and ownership (Township, PENNDOT, or private) of the frontage streets, the parcel owner name, the Applicant name, the existing and proposed uses of the tract, the area of the existing lot, the number of proposed lots, the proposed areas of the lots, the size of the proposed building, the number of proposed parking spaces, the existing and proposed types of water service and sanitary sewage disposal, the proposed types of stormwater best management practices and any nearby historic sites.

(29) Historical zoning relief and any other applicable zoning information shall be provided.

(30) Officially established house numbers for street addresses as assigned by the Department of Community Development.

(31) Landscape Plan: The plan will show clear sight triangles, overhead and underground utilities, street lights, fire hydrants, existing vegetative cover intended to remain after development and proposed new vegetative cover. The plan will address the requirements of Section 312-40 of these regulations and of the South Whitehall Township Zoning Ordinance. Significant tree masses and all trees over six (6) inches in diameter and four and a half (4.5) feet in height above grade, if sparsely scattered, should be shown.

(32) Other information which may be required by the Township Engineer or Township Planning Commission in accordance with this ordinance or other applicable laws or regulations.

(33) A note shall be provided on each plan to be recorded which indicates that: "This plan has been reviewed by the Township Staff and Township Engineer for consistency with municipal regulations and ordinances relating to land usage and dimensional requirements of zoning. Investigations regarding peripheral land and plan issues which are not required as part of a review process such as clarity of title, subsurface conditions including but not limited to, soil and water quality, karst geological activity, and historic and archeological issues, or such other issues (as appropriate) that may affect the merchantability of the land, have not been investigated or reviewed by the Township or the Township Engineer. The Township and Township Engineer make no representation or warranty concerning these issues, which should be addressed by qualified professionals, commissioned by the Applicant and/or land owner(s) as appropriate, and engaged in the appropriate field of practice. Dimensions and geometry of the property boundary and any internal lots and streets have been overviewed with respect to applicable ordinance standards for mathematical completeness, clarity of depiction, consistency, closure, and area (only). The research for and determination and location of property lines, street rights-of-way, and other easements, etc. are the responsibility of the Surveyor of Record whose seal appears on this plan, and have not been independently confirmed or verified by the Township, the Township Engineer, or the Township Solicitor."

Amendment 2. Amend Section 312-10(a) by adding subsections (6) and (7) as follows:

(6) The Applicant shall transmit one (1) copy of the plan to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township.

(7) The Applicant shall transmit one (1) copy of the plan to the United States Postal Service and submit proof of transmittal to the Township.

Amendment 3. Amend Section 312-12(b) by replacing the existing subsection (41) in its entirety with the following:

(41) A Zoning Plan showing historical zoning relief, and all zoning requirements, such as, but not limited to: existing and proposed use, lot area, road frontage and setbacks, road centerline, legal and ultimate rights-of-way, impervious surface amounts/lot coverage, buffer strips, driveway separation distances between driveways and intersections of public streets, parking lot illumination, proposed and required parking criteria, and anything pertinent to Section 350-42.

Amendment 4. Amend Section 312-22(f) by replacing the existing subsection (1) in its entirety with the following:

(1) The Township Board of Commissioners shall endorse said approval under such conditions as follows:

Approved _____ by the Board of Commissioners of the Township of South Whitehall. DATE

_____ _____

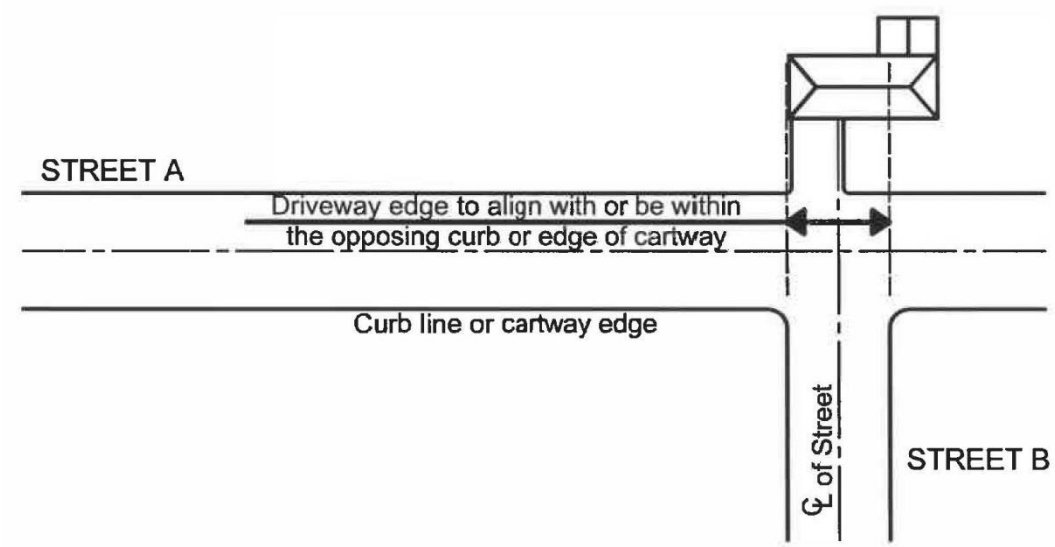
President Secretary

_____

Township Engineer

Amendment 5. Amend Section 312-36(c)(4) by adding subsection (C) as follows:

(C) All driveways may be permitted within a "T" intersection. The driveway width shall be in accordance with the applicable SALDO requirements and its centerline shall align with the opposing street centerline or its location within the intersection shall not extend beyond projections of the curb or edge of cartway (when curb is not present) from the street aligned with the driveway.



Amendment 6A. Amend Section 312-6 by replacing the existing definition of OPEN SPACE, COMMON in its entirety with the following:

OPEN SPACE, COMMON - Open Space that meets the minimum requirements described in Section 312-36(d)(4)(B)(ii) but does not meet the requirements of Prime Open Space as described in Section 312-36(d)(4)(B)(iii).

Amendment 6B. Amend Section 312-6 by inserting a new definition OPEN SPACE, PRIME as follows:

OPEN SPACE, PRIME – Open Space that meets the minimum requirements for both Common Open Space, as described in Section 312-36(d)(4)(B)(ii), and Prime Open Space, as described in Section 312-36(d)(4)(B)(iii).

Amendment 6C. Amend Section 312-6 by deleting the definition of OPEN SPACE, USEFUL.

Amendment 6D. Amend Section 312-36(d)(4) by replacing the existing subsection (A) in its entirety with the following. All subsections of (A) shall remain as written.

(A) Applicability. This section 312-36(d)(4) shall be effective with respect to any subdivision or land development for which a preliminary plan or a combined preliminary/final plan is submitted after the publication of notice that revisions to any Sections regulating Open Space are pending, or after the enactment of this revision, except that this section shall not apply to:

Amendment 6E. Amend Section 312-36(d)(4) by replacing the existing subsection (B) in its entirety with the following:

(B) Land Dedication in Subdivisions and Land Development

(i) Except as provided in subparagraphs (F) through (J) of this section 312-36(d)(4), each subdivision or land development regulated under this section shall be required to offer for dedication to the Township an amount of open

space which contains "Prime Open Space" in an amount not less than the applicable amount set forth below:

RESIDENTIAL

Percentage of the Total Amount of "Open Space" which is "Prime Open Space"	Minimum Required "Open Space" Per Dwelling Unit in the Residential Portion of the Gross Pre-Development Tract
Not greater than 25%	2,600 sq. ft.
At least 25% but not greater than 50%	2,000 sq. ft.
Greater than 50% but not greater than 75%	1,600 sq. ft.
Greater than 75%	1,200 sq. ft.

The residential land and fee requirements of this section 312-36(d)(4) shall be based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the plan is approved. Should a Residential Land Use, as part of a Subdivision or Development, be required to set aside Open Space as part of a Township Ordinance other than the Subdivision and Land Development Ordinance, that Residential Land Use shall be considered, for the purposes of this subsection (i), to be Non-Residential. Note that this does not include TND Innovation Overlay Districts, Planned Residential Development or similar Special Districts, as they do not constitute a Land Use.

NONRESIDENTIAL

Percentage of the Total Amount of "Open Space" which is "Prime Open Space"	Minimum Required "Open Space" of the Non-Residential Portion of the Gross Pre-development Tract
Not greater than 25%	3,000 sq. ft. per acre
At least 25% but not greater than 50%	2,400 sq. ft. per acre
Greater than 50% but not greater than 75%	2,000 sq. ft. per acre
Greater than 75%	1,600 sq. ft. per acre

Any land proposed for dedication under this section 312-36(d)(4) for which less than 25% of the "Open Space" is "Prime Open Space" shall require the approval of the Board of Commissioners, utilizing the same procedure as the required approval of as Fees In Lieu of Land Dedication as outlined in Section 312-36(d)(4)(G)(i).

(ii) Common Open Space. For the purposes of this section, the term "Common Open Space" shall mean land proposed to be dedicated as ~~c~~ open space which:

(1) Has adequate access for maintenance and for

pedestrians;

(2) Is not within any stormwater management facility, unless the Applicant proves to the satisfaction of the Board of Commissioners that the stormwater management facility (or the portion thereof which the Applicant desires to have classified as "Common Open Space" is designed so that it clearly would regularly be accessible and usable for recreation during all times except immediately following a storm of an intensity of a "10 year storm" or greater. Generally, stormwater management facilities, including but not limited to traditional, grass bottomed stormwater detention basins, shall not be permitted as Common Open Space. Any areas that are enclosed with fencing or are otherwise inaccessible shall not be permitted in Common Open Space;

(3) Is not within 15 feet of any principal building;

(4) Is not within 15 feet of a parking area (other than parking areas specifically developed to serve the open space); and

(5) Is part of a total contiguous tract of common open space which contains at least 1 acre and is of such geometry that it provides sufficient spatial ability to conduct normal public recreation activities (i.e., is not sinewy or otherwise unusable for a broad range of recreational activities), unless purposefully and knowingly designed in a more linear fashion with the consent of the Township to accommodate trails or paths, environmental protection, or scenic easements.

(iii) Prime Open Space. For the purposes of this section, the term "Prime Open Space" shall mean land proposed to be dedicated as open space which:

(1) Has a slope of less than six percent (6%) over all distances of no more than three (3) feet;

(2) Is not a wetland under the applicable federal or state laws;

(3) Is part of a contiguous tract of at least 2 acres, which may include preexisting adjacent open space;

(4) None of which is within the "100 Year Floodplain", as defined by official floodplain maps of the Township; and

(5) Has topsoil to a depth of four (4) inches or more at all points.

Amendment 6F. Amend Section 312-36(d)(4) by replacing the existing subsection (C) in its entirety with the following:

(C) Open Space to Be Dedicated.

(i) Land to be dedicated under this section 312-36(d)(4) shall be suitable, prior to dedication, for its intended purpose, as determined by the Township Board of Commissioners. Should such land be deemed unsuitable by the Board of Commissioners, the Applicant may offer the following: (a) different lands for dedication; (b) fees in lieu of land dedication; or, (c) a combination of both, as regulated under this Section 312-36(d)(4). The Board of Commissioners shall have sole discretion as to which of the aforementioned options offered by the Applicant is acceptable to the Township.

(ii) The following factors shall be considered in determining the suitability of open space to adequately serve intended recreational needs:

(1) Whether open space in the proposed location would be suitable for active or passive recreation;

(2) Whether open space could be added to an existing adjacent recreation area;

(3) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for young pedestrians and bicyclists to safely reach those lands;

(4) Recommendations of the Township Park and Recreation Board, which shall be given an opportunity to provide a review;

(5) Relevant policies of the most current Township Park, Recreation and Open Space Plan;

(6) Whether the proposed open spaces would preserve important natural features (such as woodlands or creek valleys) that might otherwise be disturbed or adversely affected;

(7) Whether the area will involve a significant concentration of residents, especially in homes without large yards;

(8) Whether it will be possible to combine open space on this tract with additional open spaces on an adjacent tract, when that tract is developed in the future; and

(9) Any other factor set forth in this section 312-36(d)(4), or deemed relevant to the particular tract by the Township.

(iii) The Board of Commissioners may require that land to be dedicated under this Section 312-36(d)(4) be located along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or

developed, and/or so that it may be combined with an existing adjacent open space dedicated for open space or recreation purposes. If the Applicant owns one or more adjacent tracts that are not currently proposed to be subdivided or developed (or is not currently planning to develop all of the original tract being subdivided), the Applicant shall provide a sketch of a possible future land dedication on the adjacent lands (or the undeveloped portion of the original tract) in the event of future development.

(iv) The Applicant shall state in his/her application those improvements (if any) he/she intends to make to the land proposed for dedication hereunder to make it suitable for its intended purpose, such as rough grading, drainage improvements, landscaping, clearance of undesirable vegetation or development of trails. Such land shall be free of construction debris, excavated materials and solid waste prior to dedication.

(v) Areas intended for active recreation shall be well-drained, shall have a slope of no greater than 4 percent (4%) over all distances of no more than three (3) feet, and not require that a wetland be filled in in order to be used as intended.

Amendment 6G. Amend Section 312-36(d)(4)(D) by replacing the existing Section (D) in with the following. All subsections of (D) shall remain as currently written.

(D) Condition of Open Space. All open space to be dedicated to the Township shall be improved, if necessary, by the Applicant prior to acceptance of dedication by the Township, so that all of the following conditions are satisfied:

Amendment 6H. Amend Section 312-36(d)(4) by replacing the existing subsection (E) in its entirety with the following:

(E) Terms of Dedication. All open space dedicated under this section 312-36(d)(4) shall include deed restrictions to permanently prevent the development of buildings, except buildings for non-commercial recreation or to support the maintenance of the land for recreation.

Amendment 6I. Amend Section 312-36(d)(4) by replacing the existing subsection (F) in its entirety with the following:

(F) Alternate Beneficiaries of Open Space Dedication (Other Than Township).

(i) Open space required under this section 312-36(d)(4) shall be dedicated to the Township, unless the Board of Commissioners agrees to allow a dedication to any of the following: the Parkland School District, the County of Lehigh, the Commonwealth of Pennsylvania, the United States of America, a municipal authority, a condominium association or homeowners association, or an environmental organization acceptable to the Board of Commissioners. In all of the above instances, deed restrictions acceptable to the Township Solicitor shall be inserted into the deed of the open space land stipulating that such land shall be reserved in perpetuity for open space and recreation purposes.

(ii) If required open space is to be owned by a condominium association or home owners association, the Applicant shall establish such association in a form that requires all property owners within the association to annually contribute to the maintenance of the open space. Provisions of any condominium association or homeowners association agreements regarding required open space shall be subject to acceptance by the Board of Commissioners, based upon review by the Township Solicitor.

Amendment 6J. Amend Section 312-36(d)(4) by replacing the existing subsection (G) in its entirety with the following:

(G) Fees In Lieu of Land Dedication.

(i) In General. Fees, in the amount provided in this subparagraph (G), may be accepted in lieu of the dedication of open space if both the Applicant and the Board of Commissioners agree. Such an agreement shall be indicated through a motion by the Board of Commissioners in public session after receiving a recommendation from the Parks and Recreation Board regarding the proposed payment of fees in lieu of land dedication. For all residential or mixed-use land developments containing more than fifty (50) residential dwelling units, such an agreement shall be secured prior to preliminary or preliminary/final plan submission. Whenever fees are permitted, the Applicant shall place a note on the preliminary and final record plans stating that such fees are required to be paid as part of the subdivision or land development approval.

(ii) Combination of Land and Fees. The Board of Commissioners and the Applicant may agree on any combination of open space dedication and payment of recreation fees, provided that the value of the combination to the Township, its residents, and/or persons employed in the Township, is consistent with the requirements of this section 312-36(d)(4) when only land is dedicated or only

fees are paid. Such an agreement shall be indicated through a motion by the Board of Commissioners in public session after receiving a recommendation from the Parks and Recreation Board regarding the proposed combination of open space dedication and payment of recreation fees. Such an agreement shall be secured prior to preliminary or preliminary/final plan submission for all residential or mixed-use land developments containing more than fifty (50) residential dwelling units.

(iii) Fees for Residential Subdivision or Land Development. The amount of fees to be paid in lieu of open space land dedication in residential portions of subdivisions or land developments shall be a fee per dwelling unit (as listed in the Township Fee Schedule, as amended), based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the final plan is approved.

(iv) Fees for Nonresidential Subdivisions or Developments. The amount of fees to be paid in lieu of open space land dedication in nonresidential portions of subdivisions or land developments shall be a fee per square foot (as listed in the Township Fee Schedule, as amended) of additional proposed impervious coverage (post-development impervious surface minus pre-development impervious surface) as depicted on the final plan in lieu of the requirement for public dedication of land. Impervious coverage includes buildings, parking lots and any other man-made impervious surface. Only a net increase in impervious coverage will result in a fee to be charged.

Amendment 6K. Amend Section 312-36(d)(4) by replacing the existing Section (I) with the following. All subsections of (I) shall remain as currently written.

(I) Timing of Fees. Fees to be paid under this section 312-36(d)(4) in lieu of open space land dedication shall be paid prior to the recording of the final plan, except as follows:

Amendment 6L. Amend Section 312-36(d)(4)(J) by replacing the existing subsection (i) with the following.

(i) Construction of substantial permanent recreation facilities within the proposed subdivision or land development and/or existing open space;

Amendment 6M. Amend Section 312-52 by replacing the existing subsection (a) in its entirety with the following:

(a) All design standards for Mobile Home Parks, including but not limited to tract size, utility requirements, development options, maximum density, Open Space, off-street parking, Lot or Lease Lot sizes, etc., shall be as set forth in Zoning Ordinance Section 350-31(f)(2)(C)(iii).

SECTION 2. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4. REPEALER

Any ordinance, resolution and/or other regulation of the Township, or any parts of ordinances, resolutions and/or other regulations of the Township, including but not limited to all prior zoning ordinances and amendments or parts of prior zoning ordinances and amendments, including prior zoning maps, which are inconsistent herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective on the first day of the month following the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this ___ day of **_____, 2019** by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh

County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

BOARD OF COMMISSIONERS
SOUTH WHITEHALL TOWNSHIP

_____
Christina Tori Morgan, President

ATTEST: _____
Lenore Horos, Secretary