

ORDINANCE NO. 15957

FILE OF CITY COUNCIL

BILL NO. 93 - 2023

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OCTOBER 18, 2023

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AN ORDINANCE

AN ORDINANCE OF THE CITY OF ALLENTOWN TO AMEND THE ZONING ORDINANCE OF THE CITY OF ALLENTOWN TO ADD A NEW SECTION THAT WOULD ESTABLISH A NEW "MIXED USE OVERLAY" ZONING DISTRICT, AND THAT WOULD APPLY THIS NEW DISTRICT TO LAND FORMERLY OCCUPIED BY THE ALLENTOWN STATE HOSPITAL THAT IS SOUTH OF HANOVER AV., SOUTH OF E. ALLEN ST., SOUTH OF WAHNETA ST. EXTENDED, GENERALLY EAST OF MAXWELL ST. EXTENDED, NORTH OF RIVER DR., AND WEST OF THE CITY OF BETHLEHEM BORDER, AS DEPICTED IN MORE DETAIL ON AN ATTACHED MAP LABELED "EXHIBIT A", AND TO ADD CERTAIN DEFINITIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the City Council of the City of Allentown hereby enacts the following amendment to the City of Allentown Zoning Ordinance (Chapter 660 of the Codified Ordinances of the City of Allentown) and Zoning Map:

SECTION ONE. The following new section is hereby added to Article VIII: "660-53.1 MUO Mixed Use Overlay District.

- A. Boundary. The MUO District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be amended to show the boundaries of the new MUO District. Editor's Note – Said exhibit is available from the City Zoning Office.
- B. Purposes, Applicability and Phasing.
- (1) The MUO District is intended to:
- (a) serve the purposes provided in the Pennsylvania Municipalities Planning Code (MPC) for Planned Residential Developments (PRDs) and for Traditional Neighborhood Developments (TNDs);
  - (b) promote a coordinated mix of residential, business, institutional, recreational and open space uses in a manner that is pedestrian-friendly, transit-friendly and bicycle-friendly;
  - (c) widen housing opportunities in the City, particularly for housing types that are in high demand;
  - (d) be designed to properly relate to existing adjacent neighborhoods, and
  - (e) includes a system of preserved Open Lands and trails, including preserved Open Lands that are integrated with residential areas.

- (2) The MUO District is an optional district that overlays the underlying zoning district. An applicant shall have the option of developing property under the MUO District or under the underlying zoning district. Once a PRD Final Plan is approved under the MUO District, such land area shall be developed under the MUO District provisions, unless the applicant abandons the PRD Plan approval in writing or the PRD Plan approval is determined in writing by the City to have expired.
- (3) Development in the MUO District shall first require approval as a PRD. The PRD approval process under the MPC replaces the City's subdivision and land development approval process. Once a phase of a PRD has been granted Final Plan approval by the City Planning Commission, then individual uses allowed in the MUO District shall be permitted by right within that phase, provided they are consistent with the approved PRD Final Plan. If uses or development are proposed that are inconsistent with the approved PRD Final Plan, then the applicable PRD Final Plan revisions shall first be approved by the Planning Commission. However, a Tentative Plan revision is not required for engineering details and related revisions in a Final Plan that do not affect the densities, types of uses, or overall street and Open Land layout contained in such Final Plan.
- (4) The provisions of this MUO District shall only be available to be utilized if there is a minimum of 20 adjacent acres of land in common ownership at the time of PRD Tentative Plan submission. Each phase of development shall be designed to be able to function independently even if later phases of the PRD are not completed. A Declaration of Restrictive Covenants, conditions on approvals, notes on the approved plans, and/or a Development Agreement shall address responsibilities if phases of development are undertaken by two or more different entities.
  - (a) The various phases of the PRD shall be coordinated in uses and transportation access. Each phase shall include a minimum of 3 acres.

C. Use regulations. "Adult uses" are specifically prohibited. "Betting Uses" are specifically prohibited. When approved under the MUO District, land and/or structures shall only be used for the permitted by right uses listed below (unless a use is specified as needing special exception approval below), after Final Plan approval has been granted as a PRD. The following uses shall also meet any applicable additional requirements for the use in the Zoning Ordinance, including but not limited to provisions of Article XV, as may be later amended.

- (1) Single family detached dwellings, twin dwellings or two-family dwellings.
- (2) One or more apartment/multi-family dwellings within a building that includes a principal non-residential use.
- (3) Multi-family dwellings, including three or more dwelling units on a lot.
- (4) Rowhouse/townhouse.
- (5) Sample or model home.
- (6) Art gallery.
- (7) Bed-and-breakfast inn.
- (8) Business services.
- (9) Catering, preparation of food for (this use may be combined with a restaurant if the requirements for a restaurant are also met).
- (10) Commercial communications tower/antenna, non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height.
- (11) Custom crafts, manufacture and sale of (such as jewelry and handicrafts), or artisan's studio retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile

maker shops.

- (12) Exercise club, or fitness facility, and/or an indoor or outdoor swimming pool.
- (13) Financial institution, which may include a drive-through facility.
- (14) Hotel or motel, which may include a restaurant and conference center.
- (15) Massage establishment involving services by a State-licensed Massage Therapist. All other commercial uses involving massages in private rooms shall be prohibited.
- (16) Offices of business, institution, profession, medical, or similar entity.
- (17) Personal services (such as barbershops, beauty shops, laundry and dry cleaning pickup and delivery, and closely similar uses).
- (18) Printing and duplication, commercial.
- (19) Recreation, commercial, indoor or outdoor.
- (20) Restaurant, without drive-through service.
- (21) Retail store.
- (23) Shopping center.
- (24) Tavern or nightclub, which may include a brewpub, micro-distillery or custom winery, which may include on-site consumption and retail sales for off-site consumption.
- (25) Theater, civic and/or cultural facility, arena, gymnasium, auditorium or sports stadium.
- (26) Trade school or similar educational institution.
- (27) Veterinarian but not including a kennel.
- (28) Research and development, engineering or testing facility or laboratory.
- (29) Adult day-care center.
- (30) Child-care center, nursery school, preschool or "Head Start" program center.
- (31) College or university, not including a dormitory.
- (32) Museum or visitor's center, and which include accessory retail sales.
- (33) Nursing home, assisted living residence, hospital or personal care home, provided each shall be licensed as applicable by the State of Pennsylvania.
- (34) Community center, non-profit.
- (35) Government uses, not including: prisons, other correctional facilities and solid waste facilities.
- (36) Membership club.
- (37) Place of worship, which may include an accessory day care center.
- (38) Public park, playground or other publicly-owned recreation facilities or non-commercial outdoor recreation areas, such as areas owned by a homeowner association.
- (39) Swimming pools, household or non-household, public or private.
- (40) Bus passenger shelters.
- (41) Small group home, which shall need special exception approval.
- (42) Parking, off-street, public or private, surface, underground or structured, as a principal or accessory use of lot.
- (43) Public utility, such as electric substations, wastewater pump stations or water tanks, but not including vehicle garages, warehouses, or outdoor storage yards. This use may also include utility facilities owned by a property-owner association.
- (44) Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use.
- (45) Family child-care home.
- (46) Group child-care home.
- (47) Solar energy collection devices; Electric vehicle recharging stations as a customary accessory use.
- (48) Home occupation.
- (49) Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "custom crafts").

- (50) Warehousing as a customary accessory use to a permitted principal use of the lot.
- (51) Schools, elementary or secondary, public and private.
- (52) A maximum of 5 percent of the total land area of the PRD may be used for the following business uses, provided that such buildings shall be setback a minimum of 400 feet from any pre-existing dwelling unit structure in a residential district and a minimum of 200 feet from any proposed dwelling unit structure within the PRD:
  - (a) Moving and related storage business as a principal or accessory use.
  - (b) Offices, accessory warehousing and primarily indoor storage for a building tradesperson business.
  - (c) Flexspace buildings, which shall mean buildings including a combination of business uses that are permitted by right within a PRD, such as an office and sales area in the front of the building and an accessory warehousing area or building tradesperson use in the rear of the building.
  - (d) Manufacture of food or beverage products for human consumption, wood products, electrical or electronic products, or glass products.
  - (e) Industrial equipment sales and service, such as forklifts, conveyor belts and similar equipment.
  - (f) Manufacture or processing of products from materials manufactured off-site, such as from plastics, metals, glass or textiles.
  - (g) Packaging, bottling or assembly.

D. Area, yard and building regulations.

- (1) The following area, yard and building regulations shall apply for all uses, whichever is most restrictive. If more than one regulation within a section would apply to a use, then the most restrictive of those regulations shall be used.
  - (a) Maximum overall residential density: 30 dwelling units/acre for any phase of the PRD. The maximum overall residential density for the entire PRD shall be a maximum of 10 dwelling units/acre, based upon the total area of the tract. The maximum residential density shall be based upon the "total area of the tract", before the deletion of rights-of-way of proposed streets and before the deletion of proposed Open Land. Lots that are developed for business uses without any residential uses shall not count towards the overall residential density. Individual lots may exceed the maximum overall residential density, provided that the applicant proves that the maximum overall density for the entire PRD will continue to be met after the completion of each phase of development. For a nursing home, personal care home or assisted living facility, every 4 resident beds shall count as one dwelling unit, for the purposes of determining the maximum density.
  - (b) Minimum lot area: 1.5 acres minimum for a principal industrial use or a principal institutional use. Minimum lot area of 5,000 square feet for a lot including one or more principal commercial or multi-family residential uses. Minimum lot area of 1,200 square feet for other lots. Lot dimensional requirements shall not apply to a lot that is only used for a water supply, air quality monitoring, wastewater pumping, electrical sub-station or stormwater facility or for a non-commercial outdoor recreation area or trail, provided that the lot shall have access for maintenance.
  - (c) Minimum lot width and Minimum building width: 150 feet for an industrial use, and 20 feet for other uses. Each single-family detached dwelling, single family semi-detached dwelling, rowhouse/townhouse or commercial use shall have a minimum building width of 20 feet. Individual uses or buildings may be owned in a condominium arrangement,

which may include shared parking and common maintenance of outdoor areas, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements as if individual fee-simple lot lines had been established. Where condominium ownership is proposed, a Declaration of Restrictive Covenants shall be established as a condition of Final Plan approval, for the respective phase.

- (d) Minimum building setback from the perimeter of the PRD tract: 20 feet, except a minimum of 40 feet from the lot line of a pre-existing dwelling in a residential district outside of the PRD for a proposed building of greater than 40 feet in height or for a multi-family residential building.
- (e) Minimum front yard setback: zero feet. At least a portion of each new single family detached dwelling, twin dwelling, two-family dwelling, rowhouse/townhouse dwelling or multi-family dwelling building containing 6 or fewer dwelling units shall be located within a maximum of 30 feet from a street right-of-way, unless the dwelling or building faces onto improved vegetated Open Land with a sidewalk or pathway. For multi-family dwelling buildings of 7 or more dwelling units that are located more than 30 feet from a street right-of-way, the building shall be separated from any off-street vehicle parking lot by a planting and sidewalk area with a minimum width of 20 feet, and that includes trees. A residential building may have vehicle access using a rear alley, shared parking area or a street, without necessarily requiring the building to have frontage onto a street. A minimum of 50 percent of all residential buildings with 6 or fewer dwelling units shall front onto a street, with access and parking in the rear or side. The front of each principal building shall be designated on the Tentative Plan, and shall include a pedestrian entrance and a walkway to reach a street. A maximum of 10 percent of proposed new rowhouses/townhouses shall have front yard parking located between the front of the rowhouse/townhouse and the adjacent street right-of-way line.
- (f) Minimum rear yard setback: 8 feet, except 25 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and except 3 feet for a structure that is accessory to a dwelling.
- (g) Minimum side yard setback: 3 feet, except: 1) zero feet where buildings are approved to be attached within the development, 2) 20 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and 3) where a larger perimeter setback is required by subsection (d) above.
- (h) Notwithstanding (d), (e), (f) and (g) above, stormwater water controls shall: (1) have a setback consistent with the requirements of Chapter 355 Land Development Controls, and (2) not be required to meet zoning setbacks. Stormwater conveyance improvements: (1) are not required to have a setback from a property line, if approved by the City Engineer, and (2) grading may occur up to the property line.
- (i) Maximum building coverage: 70%. The maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. The City may require that certain lots include a

deed restriction and notations on the approved plans limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time.

- (j) Maximum building height: 4 habitable stories or 65 feet, whichever is more restrictive. A building may also include a floor level that is partly or entirely below ground that is primarily used for vehicle parking or a basement that is used for storage and mechanical equipment. However, the maximum building height shall be reduced to 3 habitable stories or 45 feet, whichever is more restrictive, for any new dwelling unit that will be within 200 feet from a pre-existing dwelling principal building in a residential district that is outside of the PRD.
  - (k) Buffer strip: Not required, except a ten feet wide planted buffer strip meeting Section 660-76 shall be required if a pre-existing principal dwelling in a residential district that is not within the PRD tract is adjacent or across a street or alley from a new principal non-residential use, non-residential use parking lot or multi-family building. A minimum five feet wide buffer strip shall also be required between a new principal business use and a proposed or existing principal residential use on another lot within the PRD. The buffer strip shall be planted and maintained with an attractive and continuous landscape screen. The landscaping shall consist of primarily evergreen trees and shrubs with a minimum height when planted of 3.5 feet and in such numbers, locations and species as can reasonably be expected to produce, within three growing seasons, a year-round mostly continuous complete visual screen at least five feet in height.
  - (l) Each single-family detached, twin and rowhouse/townhouse dwelling shall have a private outdoor area including a minimum area of 400 square feet for the exclusive use of that dwelling unit. Such outdoor area may be: a rear or side yard, in front of a dwelling, a courtyard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.
  - (m) Open-sided solar panel canopies may be constructed over approved vehicle parking areas without needing to meet principal setback requirements and without being regulated by the Zoning Code as a building. Solar panel canopies shall meet accessory structure setbacks and shall not be allowed within the minimum front yard.
  - (n) Front Garages. If a dwelling unit is allowed to have a garage door(s) facing onto a street, the garage door shall not be located more than 10 feet closer to the street-of-way than the majority of the front wall of the remainder of the house.
- (2) Uses allowed in underlying district. The applicant shall have the option of developing a use under the regulations of the underlying zoning district, instead of the provisions of the MUO District. In such case, all of the regulations of the underlying district shall apply instead of the regulations of the MUO District. Once a final PRD plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the MUO District shall be allowed.
  - (3) Minimum non-residential uses. A minimum of 10 % of the total land area of the tract after completion of the development shall be occupied by principal non-residential uses and their parking, after deleting proposed Open Land from the calculation of total land area of the tract. Such land area may also include upper story dwellings. See also Section E.(1) below which sets a minimum size for a required pedestrian-oriented commercial area.

- (4) Open Land. A minimum of 35% of the total land area of the PRD tract, measured prior to subdivision, shall be preserved as Open Land. Once the overall area of Open Land is established in the Tentative Plan approval, the applicant shall show how it will be met as part of each set of phases. For example, Phase 1 plans must show that at least 35 percent of the total land area of that phase will be preserved as Open Land, and then Phases 1 and 2 plans must show that at least 35 of the total land area of those two phases will be preserved as Open Land. The required Open Land is not required to be contiguous with each phase of development, provided that sufficient vehicle and pedestrian access is provided to the Open Land.
- (a) Open Land shall be available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such Open Land shall include a landscaping and trail plan that takes into account existing healthy concentrations of trees and any areas proposed for outdoor recreational facilities.
  - (b) Such Open Land shall be regulated by a conservation easement or deed restriction established by the applicant and enforceable by the City of Allentown or its designee, which prohibits the construction of non-recreational buildings and the further subdivision of the required Open Land.
  - (c) Outdoor recreational facilities shall be landscaped and may include sidewalks, pathways, and structures typically included in active and passive recreational areas. Areas used for buildings or vehicle parking shall not count towards the Open Land requirement, except: 1) areas for rooftop active recreation facilities that are available to all residents of the building may count as Open Land areas, and 2) a non-commercial recreation building or parking necessary to serve recreation facilities may count towards the Open Land requirement.
  - (d) See Section K. below regarding ownership.
  - (e) The majority of the Open Land shall be focused on providing for non-motorized recreation trails, active and passive recreation, and the preservation of environmental sensitive areas. The Open Land shall also include areas designed to take advantage of scenic views.
- (5) Trails. The MUO District offers flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this MUO District if the developer commits to providing a public trail system, which shall be open for public pedestrian access from sunrise to sundown, at a minimum.
- (a) Such public access shall include a pedestrian trail with a typical minimum width of 8 feet and a public pedestrian access easement with a typical minimum width of 12 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such trail may be gated and closed to the public between sunset and sunrise. The main trails shall include hard surfaces or compacted crushed stone that are designed to be usable by wheelchairs, but nature trails may also be provided in sloped areas of the preserved Open Land that are not hard-surfaced and not ADA-compliant.
- (6) Fire access. The applicant shall prove to the satisfaction of the Planning Commission, after a

review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. There shall be at least two entrances into the tract for fire trucks. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets do not provide adequate access to sufficient sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass for fire access.

E. Site and building layouts; Signs; Slopes.

- (1) The PRD shall include at least 2 acres that includes commercial uses and that is intended to accommodate pedestrian travel between uses. Such area may also include dwelling units or allowed business uses on the upper stories. Such 2 acre requirement may be met as part of any phase of the development.
  - (a) Within this pedestrian-oriented commercial section, off-street vehicle parking shall not be allowed between the front of the commercial buildings and the adjacent front street right-of-way line. If a commercial building abuts more than one street, this parking restriction shall only apply abutting the Primary Street Frontage. The required off-street parking for these commercial uses shall be provided to the side or rear of the buildings or on another lot or using on-street parking spaces.
- (2) Outdoor garbage collection facilities shall be surrounded by a decorative enclosure or plant screening. Trash dumpsters shall have lids and shall be conveniently located to serve uses and dwellings that do not have individual trash collection. Trash receptacles that are regularly emptied shall be provided by the landowner within commercial areas and any trailhead parking lot. Business truck loading docks shall be screened from pedestrian view along the front street right-of-way line and from existing dwellings outside of the PRD and proposed dwellings on other lots within the PRD.
- (3) A minimum of two streets shall enter the tract after completion. At least one inter-connected vehicle route shall extend through the bulk of the interior of the tract. The tract should have a central focal point, such as a landscaped central green space.
- (4) For portions of the PRD that are entirely residential, the sign regulations shall apply that would apply to the R-M district, or its successor zoning district. For other portions of the PRD, the sign regulations shall apply that would apply to the B-3 district, or its successor zoning district. Notwithstanding the foregoing, off-premises advertising signs shall be prohibited, except signs within the PRD of up to 20 square feet and up to 8 feet in height may be used to direct motorists to various uses within the PRD, provided the sign is approved as part of the Tentative Plan.
- (5) The regulations regarding development on steep slopes shall not apply to areas of steep slopes that the applicant shows were clearly man-made, such as areas that were graded previously for buildings, basins, quarrying or other features. The burden of proof shall be upon the applicant to show that slopes were man-made, such as by showing that grading occurred to develop a previous adjacent building. The alteration of all slopes shall result in stable conditions.

F. Submission and Approval Process. Development under the MUO District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and



procedures for a PRD of the Municipalities Planning Code are hereby included by reference.

- (1) Master Plan. The applicant shall first submit an overall Master Plan that includes all of the land controlled by the applicant within the MOU district. The Master Plan shall be drawn to scale, at a level of detail typically found at a Sketch Plan stage. The Master Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
  - (a) The Master Plan may propose a range of allowed uses in various areas, as opposed to identifying each specific use. The Master Plan shall show the preliminary layout of streets, alleys, lots, public trails, recreation areas, major pedestrian and bicycle pathways, maximum heights of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.
  - (b) The Master Plan is intended to show the interrelationships and compatibility of various elements of the PRD.
  
- (2) After approval of a Master Plan, a Tentative Plan submittal shall be made that includes all of the land controlled by the applicant within the MOU district. The Tentative Plan submittal shall meet all of the submission requirements that are provided in Section 707(4) of the MPC, as well as sufficient information to show the feasibility of the proposed access points from existing public streets. The Tentative Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission. The Tentative Plan shall include the following information:
  - (a) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
  - (b) the density of land use to be allocated to parts of the site to be developed;
  - (c) the location and size of the preserved Open Land and the form of organization proposed to own and maintain the preserved Open Land;
  - (d) the type of uses and housing in each land area and the approximate height, bulk and location of buildings and other structures, and the preliminary layout of lots, trails, recreation areas, major pedestrian and bicycle pathways, and major detention basins;
  - (e) sufficient information to show the feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
  - (f) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
  - (g) the provisions for parking of vehicles and the location and width of proposed streets, alleys and public ways;
  - (h) the requested modifications in the City Land Development and Subdivision Ordinance

and the reasons for the request;

- (i) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
  - (j) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
  - (k) a written statement by the landowner setting forth the reasons why, in the landowner's opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for Allentown;
  - (l) a brief narrative describing how the proposed development is being coordinated with adjacent existing development;
  - (m) delineation of streets that are proposed to be dedicated to the City, and streets that will be maintained by a legally binding property-owner association; and
  - (n) the proposed location of public sidewalks and major trails and the tentative location of vehicle driveways.
- (3) The Tentative Plan shall show all information that would be required as part of a Preliminary Plan under the Land Development and Subdivision Ordinance, except for information listed in this subsection (3). The following information shall specifically not be required to be submitted as part of a Tentative Plan, but instead shall be required as part of the Final Plan submission:
- (a) Stormwater calculations.
  - (b) Housing numbering plans.
  - (c) Proposed monuments and lot markers.
  - (d) Species of plantings for landscaping plans, but the proposed locations of buffer strips and typical placement of street trees shall be shown on the Tentative Plan.
  - (e) Profiles of proposed sanitary sewage lines, storm drains and streets, except that the applicant shall show proposed maximum slopes of streets.
  - (f) Designs of culverts, manholes, catch basins, sidewalks and similar construction details, provided that the locations of sidewalks shall be shown.
  - (g) Locations of proposed electric, telephone and cable television lines and water and sewage laterals.
  - (h) Lighting plans.
  - (i) Detailed cross-sections are not required for all streets, but typical cross-sections shall be provided.

- (j) Detailed grading plans are not required for individual buildings, but typical grading plans shall be provided.
- (4) The Tentative Plan may include a range of allowed business uses in a specific area, as opposed to identifying each specific use. The Tentative Plan may include two alternatives for a specific land area, such as having one layout for rowhouses/townhouses and one layout for twin homes, provided the alternative does not affect the location of public streets. Where two alternatives are shown in the Tentative Plan, one of those alternatives shall be chosen as part of the Final Plan.
- (5) The Tentative Plan shall be to scale and be designed to show how the PRD will comply with this Zoning Chapter. The Tentative Plan is not required to show compliance with Chapter 355 Land Development Controls, provided compliance will be addressed prior to approval of the PRD Final Plan or prior to earth disturbance for a phase of development, whichever occurs first.
- (6) After a Tentative Plan has been approved, a PRD Final Plan shall be submitted, which may occur in phases. The Final Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
  - (a) No sale of lots or construction of buildings shall occur until after: 1) an approved PRD Final Plan has been approved by the Planning Commission and has been recorded, 2) the applicant has proven they have met any conditions upon approval, and 3) acceptable financial guarantees for improvements have been established.
  - (b) A PRD Final Plan shall meet all of the requirements of this Zoning Chapter and Chapter 350, Land Development and Subdivision, that are not specifically modified by this section or by the provisions of the Municipalities Planning Code that governs PRDs. If a Preliminary Plan requirement was exempted from the PRD Tentative Plan submission, such requirement shall be met as part of the PRD Final Plan.
- (7) After the Final PRD Plan has been approved, zoning permits for individual uses and buildings may be approved, subject to compliance with the PRD Final Plan. If a proposed use or structure does not comply with the Final PRD Plan, then such revision to the Final PRD Plan shall be submitted for approval by the Planning Commission.
- (8) The Planning Commission may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.
- (9) Within 60 days after the filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Planning Commission in the manner prescribed in Article IX of the MPC.

## G. Phasing, Impacts and Architecture.

- (1) Phasing. As each phase of development is granted Final Approval, the applicant shall provide evidence that the requirements of this MUO District will be met, even if later phases of development would not be completed. For example, Phase 1 must meet the PRD requirements, and then the combination of Phases 1 and 2 combined must meet the PRD requirements, but Phase 2 by itself does not need to meet every PRD requirement. This shall include, but not be limited to, providing evidence of compliance with the density, coverage and Open Land requirements. The preserved Open Land does not need to be contiguous to each phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan.
  - (a) If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revision of that portion of the Tentative Plan for approval by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect compliance with the zoning ordinance requirements, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.
  - (b) See Section F.2.(j) above concerning annual updating of the phasing schedule, which is a standard under the MPC.
- (2) Architecture. To carry out the intent of Traditional Neighborhood Development, prior to a phase receiving Final PRD approval, the applicant shall submit the substance of draft architectural covenants to the Bureau of Planning and Zoning, the City Solicitor's office and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of Final Plan approval, prior to the recording of such plan. As part of zoning permit applications, an architectural sketch of the front facade of non-residential principal buildings, rowhouses/townhouses and multi-family buildings shall be submitted to the Bureau of Planning and Zoning for review. The front side of each principal building shall be designated on the Tentative Plan.
- (3) Covenants. The City may also require covenants, deed restrictions, or conditions upon a Final PRD Plan to address setbacks, landscaping, pedestrian access, fire access, and other matters necessary to carry out the intent of this Section.
- (4) Public access. The Final Plan shall describe the locations and extent of public access to trails and preserved Open Lands. Public access may be limited to daytime hours.
- (5) Transportation Impact Study (TIS) and improvements. As part of the Tentative Plan submittal, the applicant shall submit a TIS to the City, which shall be prepared by a qualified professional. Such TIS shall consider full build-out of the tract. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development, the impacts upon traffic, and improvements that the applicant proposes to complete or fund. Such traffic impact study shall be updated as needed as each final plan phase is submitted. Such TIS shall meet the published standards of the Pennsylvania Department of Transportation that would apply as if a Highway Occupancy Permit would be required. If diagonal parking is proposed along a street, the traffic impact study shall assess the safety of such parking in that location.

(a) The applicant shall prove that the average level of service of traffic will not be reduced below a level of D for each impacted adjacent existing public street intersection as a direct result of the new development. This level of service analysis shall consider on-site traffic improvements that the applicant commits to complete, a fair share of off-site transportation improvements that the applicant commits to fund, as well as projects that are officially programmed for funding by the State.

[1] This Subsection G(5)(a). may be modified by the Planning Commission, after an opportunity for review by the City Engineer, if the applicant proves that a reduction in level of service is unavoidable because the applicant, the State and the City do not control sufficient right-of-way to make the needed traffic improvement.

[2] Prior to granting a modification of this Subsection G(5)(a), the Planning Commission shall determine that evidence has been provided to them to show that the level of service will not result in congestion that would be a threat to public safety.

[3] Prior to initiating the TIS, the applicant's traffic engineer shall schedule a methodology meeting with the City Staff and any City traffic consultant to determine the following:

- i. Study time periods and intersections;
- ii. Data to be collected
- iii. Methodology for trip generation, trip generation factors, trip distribution, and growth rate
- iv. Programmed roadway improvements and planned developments to be considered in the study

(b) The City may engage an independent transportation consultant to review the applicant's study, with the reasonable costs of such review funded by the applicant.

6. As part of the Tentative Plan submittal, the applicant shall submit a written report that assesses the impacts of the proposed development upon public school capacity, public sewage services, public water services, public parks, and public stormwater management facilities, and which also describes any proposed measures to mitigate those impacts. Details of the public water, public sewage and stormwater engineering and financing may be addressed during the final plan stage.

H. Subdivision and Land Development requirements. As authorized under the TND and PRD provisions of the Municipalities Planning Code, the Planning Commission may grant modifications to the specific street, improvement and other requirements of Chapter 350, Land Development and Subdivision, for development within the MUO District in response to a written request by the applicant. These modifications may include alternative standards for various types of streets that are based upon recommendations of PennDOT Design Manuals, the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers and similar professional organizations.

(1) The following are examples of street right-of-way and cartway widths that are intended to be

approved for new streets, in addition to options that are allowed under Chapter 350, Land Development and Subdivision:

- (a) A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, diagonal parking lanes of 18 feet each or 8.5 feet wide parallel parking lanes if parking is allowed, a planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks or pathways on each side of the street, and a right-of-way width that extends a minimum of ten feet on either side of the curbline. A collector street may also include a turn lane where warranted.
  - (b) A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8.5 feet wide parallel parking on one or both sides, a planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks or pathways on each side of the street and a minimum right-of-way width that extends a minimum of ten feet on either side of the curbline.
  - (c) An alley serving two-way traffic may be constructed with an 16 feet wide cartway and an eight feet minimum setback between the travel lane and any rear garage. Any alley shall be required to be maintained by a homeowner association and shall be designed to prevent use of the alley by through-traffic.
  - (d) The Planning Commission may require wider cartway widths as needed, considering the results of the traffic impact study. All streets shall include a right-of-way, including private streets, and which shall be used for measuring required setbacks.
- (2) Any street within the MUO District, whether public or private, shall meet the same minimum construction material requirements as would apply to any new street intended to be dedicated to the City under City ordinances, unless a modification is specifically approved by the Planning Commission.
    - (a) All private streets and alleys shall include an easement or right-of-way, and setbacks shall be measured from that easement or right-of-way.
  - (3) After receiving a recommendation from the City Engineer, the City Planning Commission may approve a requested modification to allow a portion of a local private street to have a slope greater than provided in the Land Development and Subdivision Chapter.
  - (4) Pedestrian sidewalks meeting Americans With Disabilities Act requirements shall be required on each side of every street that serves through-traffic and each public street, unless the Planning Commission approves an alternative pathway system that provides sufficient connectivity. In addition, the Planning Commission may require sidewalks abutting private streets where needed to provide connectivity, but sidewalks shall not be required abutting alleys. Sidewalks shall have a minimum width of 5 feet in residential areas and sidewalks shall have a minimum width of 6 feet in commercial and institutional areas.
  - (5) The street tree requirements in the Zoning Ordinance shall apply, provided there shall be flexibility in the locations of the required street trees, and provided the locations are approved by the City Planning Commission. For example, street trees may be approved to be placed immediately outside of a right-of-way or in an immediately adjacent area of Open Land. Sufficient space shall be provided for each street tree to thrive, which may include a vegetated surface, use of porous pavers near a tree, a tree grate or a tree well around the street tree. The location of street trees shall be subject to approval by the City Shade Tree Commission.

- (6) The minimum centerline radius for a local residential street may be reduced to 125 feet.
- I. Parking and loading. The off-street parking and loading requirements of this Chapter shall apply, except for the following modifications:
    - (1) Off-street parking may be shared by various uses and lots within the MUO District, provided that the developer shall demonstrate to the Zoning Officer that sufficient parking is provided on the tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that a method will be in place to guarantee that the shared parking will continue to be available within the required distance to all of the uses that are served by the parking during the life of those uses, such as a deed restriction or long-term lease.
    - (2) Off-street loading. Section 660-75 or its successor section shall apply.
    - (3) Under the authority of the MPC to modify requirements as part of a PRD or TND, the Planning Commission may reduce the required amount of off-street parking by up to 15 percent based upon the following considerations:
      - (a) The applicant's traffic study and any parking study that is provided;
      - (b) Evidence that is provided regarding the ability of various uses to share parking, particularly if those uses have different time periods of peak parking demand;
      - (c) The availability of public transit and/or any shuttle service that may be provided during periods of peak parking demand; and
      - (d) Data on parking demand that is provided based upon research of the Institute of Transportation Engineers or similar professional studies of developments.
    - (4) An applicant may meet a maximum of 20% of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a new street adjacent to the use. Each space shall only be allowed to be counted once to serve one use.
    - (5) As part of each phase of development and each zoning permit application for a new use or change of use, the parking requirements calculations shall be updated as needed, and submitted to the Zoning Officer.
  - J. PRD modifications. Specific subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or Traditional Neighborhood Development, as provided in the Municipalities Planning Code. This may include, but shall not be limited to, modifications of street standards to allow a site design that is more pedestrian-friendly or that reduces environmental impacts. The Planning Commission shall consider any recommendations of the City Bureau of Engineering and/or Bureau of Planning and Zoning regarding modifications.
  - K. Preserved Open Land. The proposed uses and method of ownership and maintenance of the

preserved Open Land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved Open Land ownership or use that is inconsistent with the PRD Final Plan approval shall need Planning Commission approval in advance.

- (1) Required preserved Open Land shall be preserved through a permanent conservation easement that is enforceable by the City. The substance of the conservation easement shall be provided as part of the Tentative Plan application. The proposed primary holder of conservation easements shall be identified as part of the Tentative Plan approval. The legal form of the conservation easement documents concerning the preserved Open Land shall be approved by the City Solicitor as a condition of Final Plan approval.
- (2) The preserved Open Land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
- (3) If there is mutual written agreement between the applicant and the City, part or all of the Open Land may be maintained as a public park.
- (4) Methods for ownership of the preserved Open Land shall utilize one or more of the following:
  - (a) Dedication to the City for public recreation if the City agrees in advance to accept it;
  - (b) Dedication to a property owners' association, with each owner of property within one or more phases of the PRD being legally required to annually fund their share of the maintenance of the Open Land, and with the form of the property owners' legal documents being subject to review by the City Solicitor;
  - (c) Retention by the owner of a rental housing development; or
  - (d) Another suitable method that is specifically approved by the Planning Commission, such as management by an environmental conservancy organization that is acceptable to the Planning Commission.
- (5) Stormwater detention basins shall not be counted towards the minimum amount of preserved Open Land, unless the applicant proves to the satisfaction of the Planning Commission that a particular area has been designed to serve a valid recreation purpose during the vast majority of weather conditions, or that a retention basin has been designed to serve as a scenic asset with pedestrian access. A water supply tank, wastewater pumping station or closely similar utility structures shall not count towards the minimum preserved Open Land. The Open Land may include areas used for stormwater infiltration or stormwater spray irrigation.
- (6) A minimum of one parking lot shall be provided for use by persons using trails on the Open Lands that are open to the public. Such parking lot shall be open during daylight hours.
- (7) The proposed trail and/or sidewalk system shall be designed to connect to existing stub streets, such as a connection to the existing Union Street to allow a pedestrian connection to the East Side Reservoir. The proposed trail system shall be designed to include one or more connections to the perimeter of the tract to allow future trail connections by the City. These connections are intended to include a trail connection to River Drive, which may allow the City to provide an extension of the trail to Keck Park in the future. However, this provision shall not require off-site improvements by the applicant on land that is not controlled by the applicant.



L. Tree Conservation.

- (1) For existing trees of over 36 inches caliper within 200 feet from the right-of-way of Hanover Avenue, the applicant shall submit a written assessment to the City of their condition by a qualified professional, as part of the Tentative Plan submission.
- (2) Temporary fencing shall be used to avoid damage to existing mature trees during adjacent construction activities.

SECTION TWO: The following new definitions are hereby added to Section 660-6:

"OPEN LANDS - Land that is permanently restricted to primarily be used for natural feature conservation or active or passive recreation. Such land shall be permanently restricted by a conservation easement or deed restriction to prevent further subdivision and to prevent development of uses or buildings, except for types of non-commercial recreation uses, stormwater management uses and utility purposes that are specifically authorized by the City of Allentown. If a rooftop recreation area is used to meet the Open Lands requirement, there shall also be a deed restriction to guarantee continued use of the recreation area by residents of the building. This Open Land shall include a suitable method for ownership and maintenance of the land that is approved by the City of Allentown. Such land shall be open for responsible recreational use by occupants of the development, and portions of the land may be opened to responsible use by the general public."

"PRIMARY STREET FRONTAGE – The street right-of-way line that runs parallel to the front of a principal building. If a corner lot is involved, the primary street frontage shall refer to the side of the building that includes the primary pedestrian entrance to the principal building.

"TRACT - A single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. Such lots may be separated by a creek, railroad or street. See also the definition in this section for the "Total Area of the Tract."

SECTION THREE: The following administrative and miscellaneous revisions are made to the following sections of the Zoning Code:

In Section 660-27, the following is added to the list of zoning districts: "MUO Mixed Use Overlay District."

In Section 660-31, a new subsection is added as follows: "X. MUO Mixed Use Overlay District – The purposes in Section 66-53.1.B. shall apply."

SECTION FOUR: All Ordinances, Resolutions and/or other Regulations inconsistent with the above provisions are repealed to the extent of their specific inconsistency with this Zoning Ordinance Amendment.

SECTION FIVE: The provisions of this Ordinance are declared to be severable, and if any provision, 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 impact any of the remaining provisions, sentences, clauses, sections, terms, phrases or parts of this Ordinance.

SECTION SIX: This Ordinance shall become effective ten (10) calendar days after the date of adoption.

|                           | Yea | Nay |
|---------------------------|-----|-----|
| Candida Affa              | X   |     |
| Ce-Ce Gerlach             |     | X   |
| Cynthia Y. Mota           | X   |     |
| Santo Napoli              | X   |     |
| Natalie Santos            |     | X   |
| Ed Zucal                  |     | X   |
| Daryl Hendricks,<br>Pres. | X   |     |
| TOTAL                     | 4   | 3   |

**I hereby certify that the foregoing Ordinance was passed by City Council on December 6, 2023 and signed by the Mayor on December 11, 2023.**

*Michelle P. Hall*

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**CITY CLERK**