

# Exhibit A

An aerial photograph of Allentown, Pennsylvania, serves as the background for the lower half of the page. The image shows a dense urban landscape with a mix of residential and commercial buildings. A prominent tall, brown skyscraper is visible on the left side. In the foreground, a multi-lane highway runs vertically, with several cars visible. The surrounding area is filled with trees, some of which are showing autumn foliage in shades of yellow and orange. The sky is a clear, pale blue.

## **Subdivision and Land Development Ordinance Update**

Public Hearing Draft

July 27 2025

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## **350-1 Legal Framework**

### **350-1.A TITLE**

These regulations are officially known as "The Subdivision and Land Development Ordinance (SALDO) of the City of Allentown." For convenience the regulations are referred to throughout this document as "this ordinance."

### **350-1.B AUTHORITY**

This ordinance is adopted pursuant to the city charter and in accordance with the Pennsylvania Municipalities Planning Code (MPC), Act No. 247 of 1968 and the Pennsylvania Stormwater Management Act P.L. 864 (Act 167).

### **350-1.C EFFECTIVE DATE**

The provisions of this ordinance become effective on [effective date to be inserted]<sup>1</sup>, except as otherwise expressly stated herein.

### **350-1.D APPLICABILITY AND JURISDICTION**

- (1) Regulation of the development of land and the imposition of reasonable conditions to land development is an exercise of valid police power delegated by the Commonwealth to the city.
- (2) Developers have the duty of complying with reasonable conditions laid down by the Planning Commission for the use of the land so as to conform to the comprehensive plan and the various ordinances and regulations adopted by the city for the orderly and beneficial development of the city. Developers have the further responsibility to protect and provide for the safety and general welfare of the future plot owners in the development and of the community at large.
- (3) This ordinance applies to all land development located wholly or partially within the corporate limits of the City of Allentown.
- (4) No building permits may be issued by the city for any parcel or plot of land created by land development until final approval has been granted by the planning commission and a land development agreement has been approved and signed by the developer and appropriate city officials. All land development must be in accordance with the provisions set forth in this ordinance.
- (5) No building permits, including demolition permits, or other permits may be issued for earth disturbance activities requiring a PA-DEP permit until PA-DEP or a conservation district has issued the required Erosion and Sedimentation permit or individual NPDES permit, or approved coverage under the general NPDES permit for Stormwater Discharges Associated With Construction Activities under 25 Pa. Code § 102.5.

- (6) No certificate of occupancy may be issued by the city until the City Engineer certifies that land development improvements necessary for the reasonable use of or occupancy of the building or buildings are substantially complete, as authorized in Section 509(m) of the MPC.

### **350-1.E PURPOSES**

This ordinance is adopted for the following purposes:

- (1) To provide and protect for the public health, safety, and general welfare of the community.
- (2) To guide for future growth and development of the City in accordance with the Official Comprehensive Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.
- (5) To protect and conserve the value of the land throughout the City and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (7) To provide the most beneficial relationship between the uses of land and building, the circulation of pedestrian and vehicular traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for land development in order to further the orderly layout and use of the land; and to ensure proper legal descriptions and monumenting of land developments.
- (9) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision and/or land development.
- (10) To prevent the pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and the beauty of the community and the value of the land.

<sup>1</sup> 20 days after passage of ordinance by council and approval by mayor.

- (11) To ensure the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- (12) To provide for adequate open space through the most efficient design and layout of the land.

**350-1.F POLICY**

Land to be developed must be of such character that it can be safely used for building purposes without danger to health or peril from fire, flood, or other menace, and land may not be developed until available public facilities and drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities and transportation facilities are deemed adequate.

**350-1.G MINIMUM REQUIREMENTS**

- (1) The regulations of this ordinance are deemed the minimum requirements necessary to carry out their stated purpose.
- (2) In addition to the requirements of this ordinance, all uses, buildings, and structures must comply with all other applicable codes, laws, and regulations and with decisions made by other governmental or quasi-governmental bodies with jurisdiction.
- (3) All references in this ordinance to other governmental regulations are for informational purposes only. Such references do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other authorities.

**350-1.H COMPLIANCE REQUIRED**

- (1) All lots created or modified must comply with all applicable provisions of this ordinance.
- (2) Land may not be used for any purpose other than ones that are allowed by the provisions of this ordinance.
- (3) A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except as allowed by this ordinance.
- (4) Buildings, structures, and land may be used and occupied only in compliance with the provisions of this ordinance.

**350-1.I CONFLICTING PROVISIONS**

- (1) **State Law.** If the provisions of this ordinance conflict with state law, state law prevails and governs.
- (2) **Other City Regulations.** If the provisions of this ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

- (3) **Private Agreements and Restrictions.** The regulations of this ordinance are not intended to abrogate or annul any easements, covenants, or other private agreements or restrictions.

- (4) **Text and Illustrations.** In case of any difference of meaning or implication between the text of this ordinance and any heading, drawing, table, figure or illustration, the text governs.

**350-1.J DELEGATION OF AUTHORITY**

Whenever a provision of this ordinance requires the head of a department or another official or employee to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

**350-2 Transitional Provisions**

**350-2.A ORDINANCE NOT RETROACTIVE**

The adoption of this ordinance does not require any change in the plans, construction or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building or structure actual construction has been diligently pursued.

**350-2.B PREVIOUS VIOLATIONS**

The adoption of this ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous subdivision and land development regulations that occurred before the effective date specified in [350-1.C](#).

**350-3 Enforcement**

**350-3.A VIOLATIONS**

No subdivision or land development of any lot, tract or parcel of land may be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection with a subdivision or land development may be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this ordinance.

**350-3.B ENFORCEMENT REMEDIES**

- (1) Any person, partnership or corporation who or which has violated the provisions of this ordinance enacted under authority of the Pennsylvania Municipalities Planning Code or other enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the city, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the city as a result thereof. No judgment may commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither



pays nor timely appeals the judgment, the city may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which case there is deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues constitutes a separate violation.

- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the city the right to commence any action for enforcement pursuant to this section.

#### **350-3.C LIABILITY**

- (1) Any owner, or agent of the owner, of any land located within a land development, who sells, transfers, or leases any land by reference to, or exhibition of, or by other use of a plan of a subdivision, before the same has been approved by the Planning Commission must upon being found liable, pay a judgment consistent with this section.
- (2) The description of such lot or parcel by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, does not exempt the transaction from such penalties, or from the remedies herein provided. The city may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity, in addition to the penalty herein provided.
- (3) Any owner, or agent of the owner, or land developer who fails to comply with the provisions set forth in this ordinance or fails to proceed with the development in accordance with the provisions and stipulations of the final plan as approved by the Planning Commission must, upon being found liable therefore in a civil enforcement proceeding commenced by the city, pay a judgment of not more than \$500 plus all court costs consistent with this section.

#### **350-4 Civil Enforcement**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation to prevent illegal occupancy of a building, structure or premise, and these remedies are in addition to the penalties described above.

#### **350-5 Severability**

If one or more provisions of this ordinance, or the application of this ordinance to specific properties is held by a court of competent jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this ordinance. The city council declares that it would have passed this entire ordinance, except those parts declared unlawful, invalid, unenforceable, or preempted, if it had knowledge that such parts would be declared unlawful, invalid, unenforceable, or preempted. All provisions not declared unlawful, invalid, unenforceable, or preempted therefore remain in full force and effect. If any requirement or condition attached to an approval given under this ordinance is found to be invalid by a court of competent jurisdiction, it will be presumed that the approval would not have been given without the requirement or condition and, therefore, the subject approval will also be deemed invalid.

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## **350-6 General Improvements**

### **350-6.A COMPLIANCE WITH APPLICABLE REGULATIONS**

- (1) The design and improvements regulations of this article are the minimum requirements for the promotion of public health, safety and general welfare. In addition to these design and improvements regulations, all land developments must comply with the following:
  - (a) All applicable federal, state, county, and city regulations, including zoning, housing, building, and health codes;
  - (b) The comprehensive plan, public utilities plan, "vision zero" and "complete streets" policies, capital improvements program, bicycle plan, and other adopted city plans and policies;
  - (c) All applicable regulations of the Pennsylvania Department, of Transportation (PennDOT); and
  - (d) Standards and regulations promulgated by the City Engineer, and other authorized city staff and public officials.
- (2) Plan approval may be withheld if a development is not in conformity with applicable regulations or the purposes and policy established in [350-1.E](#) and [350-1.F](#).

### **350-6.B MONUMENTS**

The developer must place permanent reference monuments in the development as required by this ordinance and as approved by the City Engineer.

- (1) Concrete monuments must be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They must be spaced so as to be within sight of each other, the sight line being wholly contained within the streets limits. The City Surveyor may waive the use of a concrete monument and allow the substitution of iron pins or other suitable permanent survey markers when it is not feasible to install concrete monuments due to topography, soil conditions, or other physical features.
- (2) Monuments must be located at the intersection of all lines in the internal and external boundaries (perimeters) of all property being developed.
- (3) All monuments must be set flush with the ground and planted in such a manner that they will not be removed by frost.
- (4) At least 3 permanent monuments must be identified on the final plan by state plane coordinates.

### **350-6.C CHARACTER OF THE LAND**

Land that the city determines is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, utility easements,

or other features reasonably determined to be harmful to the safety, health, and general welfare of existing or future inhabitants of the development or its surrounding areas, may not be developed unless adequate measures are formulated by the developer to eliminate or mitigate the problems created by the unsuitable land conditions and such measures are approved by the Planning Commission. (12369 §1 7/18/79)

### **350-6.D COMPLETE STREETS**

- (1) **General.** Subdivisions and land developments must be planned and designed to accommodate and advance the city's vision zero and complete streets policies, which are intended to prevent traffic-related deaths and injuries and ensure safety and convenience for all motorized and non-motorized travelers. The planning commission is expressly authorized to impose reasonable conditions to ensure compliance with these policies.
- (2) **Transit.** Bus shelters, bus stops and other transit and paratransit improvements may be required as part of all streetscape and street designs based on consultations with the Lehigh and Northampton Transportation Authority, as further provided in [350-10.A](#).
- (3) **Connectivity.** Safe and accessible on-site pedestrian routes must be provided to link buildings with public sidewalks and pedestrian routes on abutting parcels.
- (4) **Mobility.** Bicycle facilities are required, as identified in the most recent citywide bicycle plan.

### **350-6.E REMNANTS AND LAND-LOCKED PARCELS**

All portions of a tract being subdivided must be included in lots, streets, public lands or other proposed uses so that remnants and land-locked areas are not created.

## **350-7 Site Grading and Retaining Walls**

### **350-7.A GENERAL SITE GRADING**

All site grading must comply with Section 355.10 of the Land Development Control Ordinance. Subdivisions and land developments must be designed and laid to avoid the necessity for excessive cut and fill.

### **350-7.B RETAINING WALLS**

- (1) All retaining walls that will result in an exposed height of 4 feet or more or that will be subject to loading by vehicular traffic must be designed by a professional engineer experienced in the design of retaining walls.
- (2) Conceptual designs must be included in the land development design drawings to ensure the walls will be dimensionally capable of being constructed within the limits of the development without impacting adjoining properties or right-of-way.

- (3) Notations must be added to the land development plans indicating that detailed structural retaining wall design drawings will be submitted for review and be subject to approval by the city or the city's third party reviewer during the review of building permit plans.

### **350-8 Lot Improvements**

#### **350-8.A LOT ARRANGEMENT**

The lot arrangement must be such that there will be no foreseeable difficulties, for reasons of topography or other conditions in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing access to buildings on such lots from approved streets. (12779 §12 7/15/87)

#### **350-8.B LOT DIMENSIONS**

- (1) Lot dimensions must comply with all applicable Zoning Ordinance regulations.
- (2) The Planning Commission is authorized to deny approval of irregularly shaped lots and lots that have excessive depth in relation to width.
- (3) Lot lines must be at right angles to street lines (or radial to curving street lines) except when the Planning Commission determines that alternative designs would result in a better street or lot plan.
- (4) When feasible, lot lines must follow municipal boundaries, with such boundaries preferably coinciding with rear property line. In all cases, buildings on lots must be wholly within a single municipality.
- (5) The depth and width of lots intended for business, commercial, or industrial use must be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance. (12779 §12 7/15/87)

#### **350-8.C LOT FRONTAGE AND ACCESS TO LOTS**

- (1) Double or reverse frontage lots are discouraged and are allowed only when deemed appropriate by the city to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or lot configuration or orientation. When double-frontage lots are approved they are subject to the regulations of double-frontage lots regulations in [Sec. 660-18.J \(5\)](#) of the zoning ordinance. (12779 §12 7/15/87)
- (2) Lots that derive access exclusively from an arterial street are discouraged and are allowed only when the city determines that no other alternatives are feasible. When a driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may request that such lots be

served by a combined access street in order to limit possible traffic hazards on such street. When possible, driveways must be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector streets. (12779 §12 7/15/87)

- (3) When land has been dedicated for a widening of existing streets, lots must begin at such new street line (right-of-way) and all setbacks must be measured from such line. (12779 §12 7/15/87)

- (4) All new lots must have frontage on a public street that connects to other public streets. (12779 § 12 7/15/87)

#### **350-8.D LOT GRADING**

All lots must be graded toward the street beginning at the front wall of the structure. Openings to buildings may not be less than one foot above the curb elevation except when otherwise approved by the city due to topography or resource protection issues. (12779 §12 7/15/87)

#### **350-8.E PROTECTION DEVICES**

Developers are required to furnish and install protective devices such as, but not limited to: fences, guard rails, walls and street barricades whenever the Planning Commission or the City Engineer determines that a hazardous condition may exist. Such protective devices must be constructed to standards established by the City Engineer and shall be clearly identified (including required height and material) on the final plan. No certificate of occupancy may be issued until required protection devices are in place. (12779 §12 7/15/87)

#### **350-8.F OFF-STREET PARKING**

- (1) All subdivisions and land developments involving new residential lots, other than those to be occupied by single-household detached houses, must be designed to provide for rear-yard parking.
- (2) Exceptions may be granted in cases when the requirement would impose unnecessary hardship due to existing physical or topographical conditions or would conflict with efforts to implement Low-impact Development practices consistent with the Stormwater Management Ordinance. The Planning Commission is authorized to decide on exceptions for major subdivisions. A committee composed of the City Engineer, the Traffic Control Superintendent and the Planning Director is authorized to decide on exceptions for Minor Subdivisions. (12779 §23 7/15/87)

**350-9 Streets**

**350-9.A GENERAL REQUIREMENTS**

**(1) Streets**

- (a) The location and width of all streets must conform to City Ordinances, Block Plans and Plans of Record. (12779 §13 7/15/87)
- (b) When unopened (stub-out) streets exist abutting a proposed land development or subdivision, the applicant must make application to the city to vacate the portion of the street that abuts their property unless an exception is granted by the City Engineer.

**(2) Grading and Improvements Plan.** Materials and construction standards for streets, curbs, gutters, storm and sanitary sewers and sidewalks must conform to city standards, and construction and installation of facilities must conform to city specifications and are subject to inspection by the City Engineer. (12779 §13 7/15/87)

**(3) Topography and Arrangement**

- (a) Streets must be logically related to topography so as to produce reasonable grades. All streets must be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets must conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. (12779 §13 7/15/87)
- (b) The proposed street system must extend existing or recorded streets at the same width or wider as deemed necessary by the City, but in no case at less than the required minimum width. (12779 §13 7/15/87)
- (c) All thoroughfares must be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers to population densities; and to the pattern of existing and proposed land uses. (12779 §13 7/15/87)
- (d) New half, or partial, streets are prohibited except when essential to reasonable development of a tract, and when, in addition, satisfactory assurance for dedication of the remaining part of the street is provided. (12779 §13 7/15/87)
- (e) Whenever a proposed development borders on existing half or partial street, the remaining portion of the street must be plotted within the proposed development. (12779 §13 7/15/87)
- (f) When a development abuts an existing street of improper width or alignment, the city may require the dedication of land within the subject

development sufficient to widen the street or correct the alignment. (12779 §13 7/15/87)

- (g) When, in the opinion of the City Engineer, it is desirable to provide for street access to adjoining property, street stubs must be extended by dedication to the boundary of such property. (12779 §13 7/15/87)
- (h) In business or industrial developments, the streets and other access ways must be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle. (12779 §137/15/87)

**(4) Blocks.** In general, intersection streets determine block length. The size and pattern of blocks must be designed in compliance with the following:

- (a) The length, width, and shape of blocks must be determined with due regard to the provision of adequate sites for buildings of the type proposed, existing patterns, zoning requirements, topography, and the requirements for safe and convenient vehicular, bicycle, and pedestrian circulation. (12779 §13 7/15/87)
- (b) When practicable, blocks along arterial and collector streets must be at least 1,000 feet in length. Blocks along other streets may not exceed 1,000 feet in length nor be less than 500 feet in length unless an exception is granted by the City Engineer. In approving exceptions, special consideration must be given to the requirements of satisfactory fire protection and whether the modification reduces impervious area or impacts to natural resources.
- (c) Pedestrian crosswalks may be required to facilitate pedestrian circulation and give access to community facilities. Such crosswalks must conform to all applicable city standards. (12779 §13 7/15/87)
- (d) Blocks in commercial and industrial areas may vary from the elements or design detailed above if the city finds necessary for the protective use, including adequate provision for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers. (12779 §13 7/15/87)

**(5) Street Names.** Street names may not duplicate or closely approximate, phonetically, the names of existing streets in the city, except that streets which are in obvious alignment with existing streets must generally bear the name of the existing street. (12779 §13 7/15/87)

- (6) **Street Regulatory Signs.** Street signs are to be placed within the development, the type and location of which are to be approved by the Traffic Control Superintendent. (12779 §13 7/15/87)
- (7) **Street Lights.** Street lights must be provided in accordance with design and specification standards promulgated by the Pennsylvania Power and Light Company (P.P.& L.). (12779 §13 7/15/87)
- (8) **Reserve Strips.** Reserve strips are not permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street. (12779 §13 7/15/87)

### 350-9.B DESIGN STANDARDS

- (1) **General.** In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads apply except when such standards are waived at the discretion of the City Engineer.

#### (a) Street Width and Grade

- [1] Street right-of-way and cartway width must comply with the regulations of [Table 132-1](#), and street grades, in general, may not exceed the standards established in [Table 132-1](#), with due allowance for reasonable vertical curves.
- [2] Additional right-of-way and cartway widths may be required by the City Engineer for the purposes of promoting the public safety and convenience or to provide parking in commercial and industrial developments. (12779 §13 7/15/87)
- [3] Streets at a grade of 10% may not exceed 300 feet in length. (12779 §13 7/15/87)
- [4] Minimum grade on any street may not be less than 1.0%.

**Table 132-1. Street Widths and Grades**

CLASSIFICATION	MIN. STREET WIDTH (FT)		TRAVEL LANES		MAX. GRADE (%)
	RIGHT-OF-WAY WIDTH	CARTWAY WIDTH	NO.	WIDTH (FT)	
Arterial	80	48	4	12	5
Collector	60	36	2	10	10
Local	50	34	2	10	10
Service	33	24	2	12	10
Alley, Public	24	16	2	10	10
Alley, Private	16	16	2	8	10
Street	24	24	2	12	10

- (b) **Street Alignment.** The horizontal and vertical alignment on all streets shall be as follows:

- [1] **Horizontal curves.** The minimum radius at the center line of the street and the super-elevation design when applicable for horizontal curves shall be as follows:

**Table 132-2. Horizontal Curves**

CLASSIFICATION	SUPERELEVATION (MPH)	RADIUS (FT)
Arterial	45	575
Collector	35	325
Local	—	250

- [2] **Vertical Curves.** At all changes in street grades when the algebraic difference exceeds one percent vertical curves must be provided to permit the following minimum sight distances:

**Table 132-3. Vertical Curves**

CLASSIFICATION	DISTANCE (FT)
Arterial	600
Collector	300
Local	200

- [3] **Sight Distance.** The following minimum sight distances must be provided with respect to both horizontal and vertical curves:



**Table 132-4. Sight Distance**

CLASSIFICATION	DISTANCE (FT)
Arterial	350
Collector	275
Local	200

**(c) Street Intersections.** Intersections must be designed to meet the following:

- [1] Streets must intersect at an angle of 90 degrees, or as nearly as possible at right angles. The angle of intersection is measured at the intersection of intersecting street center lines. (12779 §13 7/15/87)
- [2] Intersections involving the junction of more than 4 streets are prohibited. (12779 §13 7/15/87)
- [3] Street curb intersections or roadway intersections must be rounded with curves having the minimum radius indicated in [Table 132-5](#).

**Table 132-5. Curb Radius**

INTERSECTING STREET	MIN. CURB RADIUS (FT)
Arterial with Collector or Local	35
Collector with Local	12
Local with Local	8
Local/Service with Service	6

Table Note: The radii shown above may be increased to suit field conditions if deemed necessary by the City Engineer. Intersections occurring at angles other than 90 must be rounded with a curb having a radius length approved by the City Engineer. (12779 §13 7/15/87)

- [4] Intersections with arterial or collector streets may be not less than 1,000 feet apart, measured from centerline to centerline along the centerline of the arterial or collector street. Local streets intersecting with collector or service streets must be at least 300 feet apart. (12779 §13 7/15/87)
- [5] Streets entering opposite sides of another street must be laid out either directly opposite each other or with a minimum offset of 150 feet between their centerlines. (12779 §13 7/15/87)
- [6] Intersections must be approached on all sides by a straight leveling area, the grade of which may not exceed 2% within 10 feet from the intersecting curblines or 5% percent within 50 feet from the intersection of street centerlines.

Vertical curves must then be used to connect the intersecting grades. (12779 §13 7/15/87)

- [7] Clear sight triangles must be provided at all street intersections. Within such triangles, no vision obstructing object is permitted in excess of 30 inches in height above the elevation of the intersecting streets. Such triangles must be established for a distance of at least 75 feet from the point of intersection of the centerlines of intersecting streets except when a greater distance is required by PennDOT standards. (12779 §13 7/15/87)
- [8] The control of grades, curvature, and obstructions is required to ensure adequate sight distance for safe and efficient vehicular operations. Consideration for sufficient stopping, passing, and intersection sight distances is required. Design standards for the noted sight distance must be in accordance with PennDOT and/or AASHTO standards.
- [9] Minimum required tangential distances between reverse curves are 500 feet for arterial streets, 350 feet for collector streets, and 100 feet for local streets. The tangent distance between the curve at a right angle intersection and a street curve must be at least 30 feet. (12779 §13 7/15/87)

**(d) Cul-de-sac Streets.** Dead-end streets must be designed and constructed to comply with the following:

- [1] Dead-end streets are prohibited, unless designed as a cul-de-sac or other city-approved geometry designed for access exclusively to adjoining properties. (12779 §13 7/15/87)
- [2] Any street dead-ended for access to an adjoining tract or because of authorized stage development must provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround must be guaranteed to the public until such time as the street is extended. (12779 §137/15/87)
- [3] Streets designed and approved as permanent Cul-de-sacs may not exceed 500 feet in length.
- [4] The closed end of all permanent and temporary cul-de-sac streets must have a minimum radius to curb line of 48 feet, and the turnaround must be fully paved except that a center island consisting of low-growing vegetation or a stormwater BMP may be approved in residential areas where such island is designed

to not interfere with fire protection. Adequate space for snow storage must be provided, as determined by the department of public works.

- [5] The centerline grade on a cul-de-sac street may not exceed 10%, and the grade of the diameter of the turnaround may not exceed 5%. (12779 § 13 7/15/87)

- [6] Alternative turn-around designs may be approved by the City Engineer.

- (e) **Service Streets.** Except when other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets are required in mixed-use and industrial zones. Such streets must have a minimum right-of-way width of 33 feet and a minimum paved width of 24 feet. (12779 § 13 7/15/87)

- (f) **Alleys.** Alleys must be designed and constructed to comply with the following:

- [1] Alleys in residential developments must have a minimum paved width of 16 feet. (12779 §13 7/15/87)

- [2] Dead-end alleys are prohibited. However, the City Engineer may grant exceptions when suitable turnaround provisions are provided. (12779 §13 7/15/87)

- [3] Alley intersections and sharp changes in alignment must be avoided. Corners must be rounded or cut back sufficiently to permit safe vehicular circulation. (12779 §13 7/15/87)

### **350-9.C STREET CONSTRUCTION**

Streets must be constructed in accordance with standard details and dimensions of the City Engineering Departments Standards and Specifications.

- (1) The roadbed subgrade must be prepared to the established roadbed subgrade elevation and compacted to not less than 95% of the ASTM D1557 Modified Proctor Maximum Dry Density.
- (2) Subgrade drains must be placed along proposed roadways when directed by the City Engineer to drain wet/seepage areas.
- (3) During roadway construction, the developer must provide maintenance and protection of traffic in compliance with PennDOT standards.
- (4) Longitudinal road grades must be at least 1%.

### **350-9.D DRAINAGE**

All streets must be designed to provide for the discharge of surface water away from their centerline. The slope of the crown on proposed streets must comply with all applicable

city standards. (12779 §14 7/15/87)

### **350-9.E STREET LIGHTS**

- (1) When required, the owner must install at their own expense, street lights providing a minimum illuminance level of 1.0 foot-candles (10.8 lux), in accordance with a plan prepared by the owner's engineer and approved by the Planning Commission.
- (2) The design of light standards must be approved by the City Engineer before installation.
- (3) Provisions must be made to energize street lights when 25% of the dwellings within a subdivision or land development are constructed. The owner is responsible for all utility costs involved in lighting the streets until such time that the streets are accepted by the city as public streets.

### **350-9.F CROSSOVERS**

Crossovers must comply with the requirements outlined in the city's standard crossover details.

## **350-10 Curbs and Sidewalks**

- (1) **General.** Curbs and sidewalks must be installed in accordance with the specifications of the City Bureau of Engineering and applicable city specifications and ordinances. (12369 §1 7/18/79)

### **350-10.A STREETScape SIDEWALKS**

- (1) **Location and Size.** See [350-13](#) for regulations governing the location and width of required public sidewalks in streetscapes.
- (2) **Width.** Streetscape sidewalk width in all zones must be a minimum of 5 feet.
- (3) **Materials.** Sidewalks must be composed of concrete, brick, or other masonry paver materials that comply with ADA standards.
- (4) **Ramps.** ADA accessible ramps must be installed in accordance with city standard ADA ramp details at all existing and proposed intersections along the development boundaries. When ramps abut a state road, the developer must obtain all necessary PennDOT driveway and ADA ramp permits before acceptance and recording of the land development plan by the city.
- (5) **Vehicular Crossings.** Where public sidewalks cross driveways, parking areas, and loading areas, the following regulations apply:
  - (a) Sidewalk paving material must continue through the vehicular area and the crossing area must be clearly differentiated from the vehicular area.
  - (b) If the material of the pedestrian and vehicular area is similar, the pedestrian area must be differentiated through the use of elevation changes, speed

bumps, another paving material, scoring, or other similar method.

- (6) **Accessibility.** All sidewalks must comply with all local, state, and federal accessibility standards.
- (7) **Transit.** Consultation with the Lehigh and Northampton Transportation Authority (LANTA) is required for all subdivision and land development plans. Where feasible, the city is authorized to require that a subdivision or land development include provisions for mass transit or paratransit van access to the site. Requirements may include a sidewalk to reach a bus stop, a location for a bus stop, a shelter for a bus stop, or lighting for transit passengers. For businesses, employee and customer entrances should be placed within a reasonable walking distance from any bus stop, and should include a safe accessible pedestrian route from the pedestrian building entrance through any parking lot to access any bus stop, as defined by the Americans with Disabilities Act (ADA), Architectural Barriers Act (ABA), and Public Right-of-Way Accessibility Guidelines (PROWAG). Bus or Paratransit stops adjacent to buildings, should include a building overhang or awning to provide shade and protection from snow and rain for transit users.

### **350-11 Trails**

If a trail identified in an adopted trails plan (e.g., Jordan Creek Greenway Plan, Auburn Cross Trails Master Plan, Lehigh Landing Trail Master Plan, D&L Trail Plan) is identified on property proposed for subdivision or land development approval, a trail easement must be provided for such trail and improvements for such trail must be addressed as part of any land development plan.

### **350-12 Parkland Dedication**

#### **350-12.A INTENT**

The parkland dedication regulations of this section are adopted under authority of Section 503(11) of the Pennsylvania Municipalities Planning Code. The regulations are intended to:

- (1) Ensure the provision of adequate parkland to meet the demand created by new and expanded residential, commercial, office and industrial subdivisions and land developments.
- (2) Recognize and carry out the goals and objectives listed in the city's Comprehensive Plan and Park and Recreation Plan.

#### **350-12.B EFFECTIVE DATE**

The parkland dedication requirements of this section become effective on the date of adoption of the Allentown Park and Recreation Plan.

#### **350-12.C APPLICABILITY**

The parkland dedication requirements of this section apply to all subdivision and land development plans except as stated in [350-12.D](#).

#### **350-12.D EXEMPTIONS AND WAIVERS**

- (1) The parkland dedication requirements of this section do not apply to plans that:
- (a) Involve only adjustments or corrections to an approved preliminary or final subdivision or land development plan with no increase in the number of dwelling units or nonresidential floor area; or
  - (b) Involve only uses classified in the civic and institutional use group, as specified in Article 5 of the zoning code.
- (2) The Planning Commission is authorized to waive the parkland dedication requirements of this section for dwelling units that are restricted, for a minimum of 20 years, to occupancy by households earning no more than 80% of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development.

#### **350-12.E DEDICATION OF LAND**

- (1) **Minimum Parkland Area for Dedication.** The minimum parkland area for eligible developments shall be 7,800 square feet of parkland.
- (2) **Suitability.** In determining whether to require a land dedication or fee in lieu of land dedication, the authorized decision-making body for the subject land development or subdivision must consider at least the following factors::
- (a) Whether the land in that location would serve a valid public purpose;
  - (b) Whether there is potential to make a desirable addition to an existing public or school district recreation area or to create a greenway along a waterway;
  - (c) Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the park and recreation plan;
  - (d) Whether the land has adequate access for maintenance and for pedestrians, bicyclists, and emergency and service vehicles;
  - (e) Whether the land is suitable for active and passive recreation;
  - (f) Whether the land contains or connects to a trail identified in an adopted trails plan (e.g. Jordan Creek Greenway Plan, Auburn Cross Trails Master Plan, Lehigh Landing Trail Master Plan, D&L Trail Plan);

- (g) Whether the area in the general vicinity of the development has existing, adequate parkland; and
  - (h) Any recommendations received from the City Council, Mayor, the City Engineer, the Planning Director, the Parks and Recreation Director, and the local School Board or School District staff.
- (3) Maintenance.** For the purposes of maintaining dedicated land, the following shall apply:
- (a) A formal agreement or declaration must be created and properly recorded providing for the perpetual maintenance and the method of management of the dedicated land.
  - (b) Dedicated land may not be sold or transferred without the written approval of the Parks and Recreation Department and the Public Works Department.
  - (c) If land is to be owned by a conservation organization, a process must be established for the land to transfer to a different organization if the first organization is not able to fulfill its obligations.
- (4) Easements/Deed Restrictions.** Any required land dedication must include deed restrictions or conservation easements to permanently prevent development of the dedicated land for buildings, except buildings for approved types of noncommercial recreation or to support maintenance of the land. Such deed restrictions or conservation easements must, be enforceable by the City. The City may also require that the restrictions or easements be enforceable by a suitable third party.
- (5) Land Dedication Standards**
- (a) **Residential.** Residential development is subject to a minimum land dedication requirement of 1,600 square feet per dwelling unit.
  - (b) **Nonresidential.** Nonresidential development with 5 or more full-time, on-site employees is subject to a minimum land dedication requirement based on the residential value above, plus 5% of each additional square foot of gross floor area above 50,000 square feet.

#### **350-12.F FEES IN LIEU OF DEDICATION**

- (1) Fees.** If the City authorizes a proposed subdivision or land development to pay fees-in-lieu of dedicating parkland, based on consideration of the suitability criteria of [350-12.E](#), the following fees shall apply:
- (a) **Residential.** \$1,800 per dwelling unit.
  - (b) **Nonresidential.** \$1,800 plus \$0.25 for every square foot of gross floor area up to 100,000 square feet,

then \$0.10 for each square foot above 100,000 square feet.

- (2) Limitations on Use of Fees.** In accordance with Section 503(11) of the Municipalities Planning Code, all fees received in lieu of land dedication may be used solely for acquiring, operating or maintaining park or recreational facilities reasonably accessible to the subject land development or subdivision.
- (3) Timing of Payment.** The fee in lieu amount must be deposited by the applicant before recordation of the final plan.

### **350-13 Streetscape Area Regulations**

#### **350-13.A INTENT**

To treat the space between the building and street curb (the streetscape plus the street yard) as a contiguous, cohesive landscape design that enhances the pedestrian experience along all corridors and streets throughout the city.

#### **350-13.B APPLICABILITY**

The regulations of this section, [350-13](#), apply to all buildings and sites in all zones, unless otherwise stated.

#### **350-13.C DEFINITION**

Streetscape is the pedestrian area abutting the back-of-curb of the street and including the parkway or street tree area and the continuous public sidewalk.

#### **350-13.D MINIMUM STREETSCAPE AREA**

See [660-18.L](#) of the zoning ordinance for streetscape areas less than 9 feet in depth (face of curb to edge of right-of-way), where an easement is required to accommodate the full streetscape.

#### **350-13.E STREETSCAPE DESIGN CONTINUITY**

Streetscapes along corridors must be coordinated and designed for continuity.

- (1) Existing City-Installed Streetscape.** Where streetscape has been installed by the City within the last 15 years, the applicant may be required to replace or repair any existing streetscape improvements.
- (2) Planned Streetscapes.** Where streetscape is planned for the area, adjacent developments, or the corridor, planned streetscapes must be consistent with and designed for continuity with such other streetscape plans.
- (3) Streetscape Design Continuation.** An approved streetscape design for the subject site may be utilized by the City for the extension of the design in the surrounding district or along adjacent corridors to provide continuity.

**350-13.F ALTERNATIVE COMPLIANCE**

- (1) **Timing.** An alternative method for providing the required streetscape, such as a fee-in-lieu or temporary provision during street construction, may be approved provided pedestrian continuity is provided within no more than one year from completion of construction. .
- (2) **Alternate Design.** Where existing buildings or utilities are located such that the full streetscape area cannot be accommodated, an alternate design may be approved based upon the existing and desired context of the area. The alternate design must include continuous sidewalk and must accommodate street trees where feasible.

**350-13.G MINIMUM STREETScape REQUIREMENTS**

For all building types and sites in all zones, the following minimum sidewalk and landscape is required on all street frontages except C streets. Refer to zoning ordinance section 660-18.K for street type designations, zoning ordinance Article 2 for zones, and zoning ordinance Article 4 for building types.

- (1) **Sidewalk.** A minimum 5-foot public sidewalk is required in accordance with [350-10.A](#). The sidewalk must be located a minimum of 4 feet off the face of curb or edge of pavement to accommodate the street tree area.
- (a) **On-Street Parking.** Where the abutting on-street parking will be heavily used, such as abutting N1 and N2 zones, the sidewalk must extend to the face of curb.
- (b) **Downtown and Storefront Buildings.** Where abutting MX zones (Storefront Buildings) and MX-D

and GX-D (downtown) zones, the entire area from building facade to the face of curb, including both the public streetscape area and the private street yard on the lot, must be designed as a hardscape area with tree wells and/or planters. Sidewalk cafes may be incorporated into the streetscape area with approval of an encroachment permit.

- (2) **Street Tree Area.** A minimum 4-foot wide street tree area, between the face of curb and the sidewalk, is required, unless the city determines the minimum streetscape area per [660-18.L](#) of the zoning ordinance is not practicable.

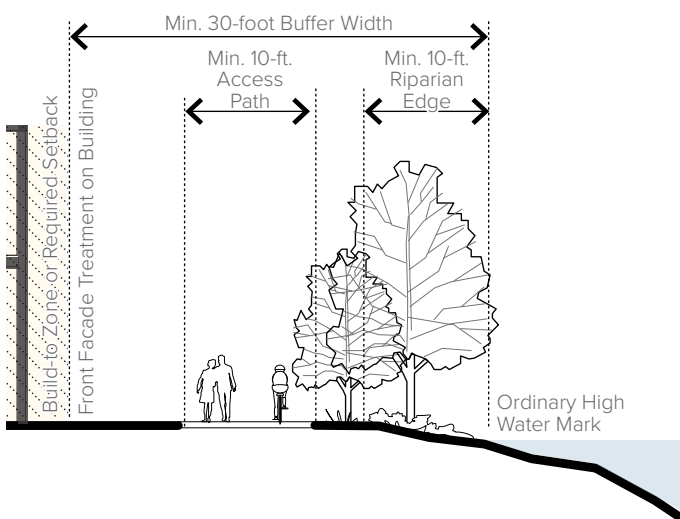
- (a) **Planting Areas.** The street tree zone in non-storefront locations should be treated as a landscaped parkway or paved with tree wells. See [660-74](#) of the zoning ordinance for planters, planting beds, and lawns.
- (b) **Street Trees.** Street trees per [350-14](#) must be provided within the street tree zone, unless the city determines the minimum streetscape area is not practicable. In locations where the sidewalk extends to the face of curb, tree wells must be provided for street trees

- (3) **Additional Elements.** Additional streetscape elements beyond those required in this section may be required by the city based on plans in place for the area.

**350-13.H ENHANCED STREETScape**

The requirements of this section apply to development of new streets and to development on all lots with 200 feet or more of street frontage on existing streets.

- (1) **Minimum Streetscape.** Streetscape must meet any regulations defined in [350-13.G](#).
- (2) **Streetscape Design.** Enhanced streetscapes must be designed by a professional landscape architect or other approved landscape designer, unless otherwise approved by the city. The Planning Commission may waive this requirement in situations where the streetscape design is limited in scope or scale.
- (3) **Additional Elements.** The following additional elements are required for the full streetscape area:
- (a) **Pavement Design.** Paving materials and a pattern is required for each street. Pavement design must include all required minimum sidewalks, other hardscape defined by the minimum streetscape, and connections to on-site walkways per [660-76](#) of the zoning ordinance. All materials proposed for the pavement design must be approved by the department of public works or City Engineer.
- (b) **Street Furnishings.** For a full block development of MX or GX zones, benches and/or seatwalls,



**Figure 2.250-A. Waterfront Buffer**



planters, planter fences, tree grates, and trash receptacles must be specified and quantities and locations listed for each street. For each block face, a minimum of 2 benches and 1 trash receptacle is required.

- (c) **Landscape Design.** Ground plane vegetation per [660-74](#) of the zoning ordinance must be designated for any landscape bed areas, planter areas, and open tree wells.
- (d) **Lighting.** Both pedestrian and vehicular lighting must be specified and locations and quantities noted. All lighting must meet any requirements of the department of public works.

### **350-13.I COMPLETE STREETS**

Streetscape improvements must consider land use and context, pedestrian facilities, bicycle facilities and infrastructure, transit accommodations, traffic calming and vehicle flow, maintenance and long-term maintenance considerations. Any planned complete streets-related improvements must be accommodated in proposed land development plans.

## **350-14 Street Trees**

### **350-14.A INTENT**

To line all streets with a consistent and appropriate planting of trees and establishing tree canopy for environmental and aesthetic benefits.

### **350-14.B APPLICABILITY**

The regulations of this section, [350-14](#), apply to all buildings and sites in all zones.

### **350-14.C SHADE TREE COMMISSION**

The shade tree commission is authorized to determine whether street trees are to be planted inside or outside of the right-of-way and to modify the other street tree regulations of this ordinance in order to best carry out the powers and duties of the commission pursuant to section 597-2 of the municipal code.

### **350-14.D REQUIRED STREET TREES**

Street trees must be installed as required and as a component of the streetscape area regulations in [350-13](#) and per the city's tree ordinance, Chapter 597 of the municipal code.

### **350-14.E TREE WELLS IN DOWNTOWN ZONES**

For trees not installed in a planted parkway in any downtown zone (MX-D and GX-D), the tree well must meet the following requirements:

- (1) **Size.** The tree well must meet the regulations for permeable area as established in [660-71.D](#) of the zoning ordinance.

- (2) **Opening.** The opening of such tree well must be covered with an expandable iron tree grate, flush with the sidewalk. The following may be used with approval of the City Engineer:

- (a) The tree well opening may be fenced with an ornamental steel or iron fence 18 inches in height above sidewalk grade.
- (b) The tree well opening may be rimmed with a continuous curbing approximately 4 inches wide and 6 inches above the height of the sidewalk.
- (c) The tree well opening may be surrounded by a masonry seat wall, 18 inches in height above the sidewalk grade.
- (d) Other durable, long-lasting protective fencing or materials appropriate given site conditions and approved by the City Engineer.

## **350-15 Waterways & Waterfronts**

### **350-15.A INTENT**

To enhance, provide, and protect visibility and access to the city's waterways and the Lehigh River waterfronts via sight lines to the water from nearby streets, continuous landscape buffers, and continuous public-access paths along waterfronts.

### **350-15.B APPLICABILITY**

This section applies to lots in all zones with waterway frontage and waterfronts, as those terms are defined in [350-70](#).

### **350-15.C RIPARIAN EDGE**

- (1) **10-foot Required Edge.** A minimum 10-foot deep riparian edge must be provided along all waterways and waterfronts, measured from the ordinary high water mark, inland, perpendicular to the water's edge. Access paths may not be located in the riparian edge, except boardwalks and piers.
- (2) **Landscape.** Any existing, established vegetation, may be maintained. See [660-73](#) of the zoning ordinance for existing tree regulations. The riparian edge must be landscaped with native or naturalized shrubs, grasses, and other ground level vegetation per [660-74](#) of the zoning ordinance and appropriate, acclimated, and conducive to being located at the water's edge.

### **350-15.D WATERFRONT BUFFER**

A waterfront buffer must be provided along waterfronts per the following, measured from the ordinary high water mark (see [350-62](#) for definition), inland, perpendicular to the water's edge.

- (1) **10-foot Buffer.** A minimum 10-foot waterfront buffer is required along the following waterfronts: Lehigh Coal



and Navigation Canal (D+L), Jordan Creek, Trout Creek, and Cedar Creek.

- (2) **30-Foot Buffer.** A minimum 30-foot waterfront buffer must be provided along the Lehigh River.
- (3) **Riparian Edge.** The riparian edge, required per [350-15.C](#), may be located within the buffer area. Refer to [Figure 2.250-A](#) for illustration of these requirements.
- (4) **Landscape.** The waterfront buffer must be landscaped with a minimum of 1 tree per 3000 square feet of buffer area. Shrubs, grasses, and other ground level vegetation must be provided per [660-74](#) of the zoning ordinance.

#### **350-15.E WATERFRONT ACCESS**

Within the waterfront buffer, a minimum 10-foot wide pedestrian and bicycle access path must be provided, extending along the waterfront.

- (1) **Continuous.** The path must be continuous, connecting to existing or planned paths on abutting properties.
- (2) **Location.** On-grade pathways must be located outside the minimum riparian edge.
- (3) **Path Material.** The path must be constructed of a material that will accommodate both pedestrians and bicycles, including concrete; asphalt; mechanically compacted crushed aggregate; or other fixed, solid, permanent materials approved by the City Engineer. Wood chips, gravel, and other loose materials are not allowed.
- (4) **Boardwalks and Piers.** Boardwalks and piers may be utilized for a portion of the access. When boardwalks or piers are utilized, the following applies:
  - (a) An alternate route must be provided for bicycle access. Secondary routes for bicycles through parking drives are acceptable, provided the paths are safe and separately painted or otherwise designated.
  - (b) Boardwalks and piers may be located in the required riparian edge, up to a maximum of 50% of the edge area.
  - (c) Bulkheads (retaining walls along the water's edge) existing prior to the effective date of this ordinance (see [350-1.C](#)) may be retained or rebuilt in their current location with no maximum length of edge area.

#### **350-15.F UPLAND CONNECTIONS**

For properties with 300 linear feet or more of waterfront, a continuous 10-foot sidewalk or multi-use trail must connect an existing public street to the waterfront access.

- (1) One upland connection must be provided for every 300 linear feet of waterfront on the site.

- (2) The path must be constructed of a permanent material per [350-15.E\(3\)](#).
- (3) The number of vehicular crossings (streets or driveways) of the connection must be limited to the fewest number practicable.

#### **350-15.G PUBLIC ACCESS**

When access is required per [350-15.E](#) and [350-15.F](#), the access area must either be gifted and conveyed to the City in fee simple or a public access easement established.

- (1) **Dedicated.** The land area for both the waterfront access and connections through the property must be dedicated on the deed to the property.
- (2) **Access Times.** Public access must be provided during the week during regular business hours and on weekends between sunrise and sunset.

#### **350-15.H VIEWS THROUGH THE SITE**

For every 300 linear feet of waterfront, one unobstructed sightline, open from the ground to the sky, minimum 20 feet in width, must be provided through the lot towards the water from a publicly accessible street. An upland connection may be used to meet this requirement, provided the sightline is maintained.

#### **350-15.I OTHER CONNECTIONS.**

- (1) **Buildings.** Building facades along the waterfront buffer must be treated as front facades per [660-18.J](#) of the zoning ordinance with pedestrian connections from building entrances to the waterfront access path.
- (2) **Parking.** Parking along the waterfront buffer must provide the frontage buffer per [660-78](#) of the zoning ordinance between the waterfront and the parking lot.

### **350-16 Storm Drainage Systems**

[Amended 7-15-1987 by Ord. No. 12779.]

#### **350-16.A PURPOSES**

Storm drainage systems shall be provided in order to:

- (1) Meet the requirements of the Stormwater Management Ordinance.
- (2) Permit unimpeded flow of natural watercourses as modified by stormwater control measures or open channels as provided for herein.
- (3) Ensure adequate drainage of all low points along the line of streets.
- (4) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
- (5) Provide positive drainage away from on-site sanitary sewage disposal systems.

- (6) Take surface water away from the bottom of vertical grades, lead water from springs and avoid excessive use of cross gutters at street intersections and elsewhere.
- (7) Provide that the peak runoff rate at all points of discharge from the site, when developed, will not exceed the peak runoff rate at each of those points prior to development for a one-, five-, ten-, twenty-five-, fifty- and 100-year storm. In cases where a proposed land development cannot accommodate a detention facility, or if a detention facility is not feasible in the opinion of the City Engineer, the developer shall pay a prorated fee to the City for stormwater management in lieu of actual on-site detention.
- (8) Encourage the voluntary installation of stormwater control measures, including rain gardens, bioswales, permeable pavements, green roofs, and other green infrastructure in furtherance of the City's Stormwater Fee Credit Program.

**350-16.B GENERAL REQUIREMENTS**

- (1) A site drainage plan for the proposed development tract shall be prepared which illustrates the following information:
  - (a) Mapping of the watershed area or areas including existing and proposed development is located.
  - (b) Calculations of runoff before and after development for all points of runoff concentration.
  - (c) Complete drainage systems for the development. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to occur in stages, a general drainage plan for the entire development shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.
- (2) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- (3) No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
- (4) Storm drainage facilities shall be designed to convey through the land development the peak runoff that will ultimately occur from the watershed. The calculation of this runoff shall take into account the potential land use and development including runoff controls in effect in a tributary area.
- (5) Where a development is traversed by a watercourse, there shall be provided a drainage easement conforming substantially with the line of such watercourse, and of such width as will be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with standards promulgated in this chapter and to provide a freeboard allowance of 1/2 foot above the design surface water level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic cutting of vegetation and maintenance in all portions of the easement shall be required.
- (6) Drainage facilities that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the City Engineer.
- (7) All streets shall be so designed as to provide for the discharge of surface water away from their center line. The slope of the crown on proposed streets shall conform to City standards.
- (8) Where it is deemed necessary in the opinion of the City Engineer to prevent increased runoff from a property to be developed, on-site stormwater control measures shall be provided. The design of such facilities shall be attached to the plan and submitted to the City Engineer for review and approval. Such facilities shall be owned, operated, and maintained by the owner.
- (9) When it can be shown to the satisfaction of the City Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning equation or other acceptable engineering equation as approved by the City Engineer.
- (10) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- (11) Inlets shall be spaced to collect design flows from the catchment areas allowing 10% maximum bypass. In no instance shall inlet spacing be greater than 400 feet.

**350-16.C STORMWATER CONTROL MEASURES**

The following design notes and provisions shall be adhered to on all stormwater plans:

- (1) A letter from the Lehigh County Conservation District stating approval of the facility is to be received by the City, when required.

- (2) A subsurface soils investigation is to be done, with special emphasis on identifying sinkholes.
- (3) The depth of the water table in the area of the stormwater control measures shall be noted.
- (4) All earth fill shall be free from brush, roots and other organic material
- (5) Minimum top width of embankment shall be eight feet.
- (6) The bottom of the pond is to be sloped towards the outlet structure.
- (7) Riprap is to be installed below all inflow and outflow pipes to minimize erosion.
- (8) There is to be reinforcement steel in all concrete structures.
- (9) A concrete cradle is to be provided for the outlet pipe.
- (10) All construction joints are to be watertight.
- (11) An impervious central core is to be constructed in the embankment to be made of a compacted clay material.
- (12) The cutoff trench in the embankment is to be excavated to impervious subsoil or bedrock.
- (13) The contractor shall maintain the detention basin to design dimensions throughout construction, unless pond is to be used as a siltation basin during development of the site. If the pond is to be used as a siltation basin, it shall be returned to design dimensions following the completion of construction.
- (14) Maintenance of the stormwater control measures shall be made part of the land development agreement between the developer and the City.
- (15) Detail and section shall be provided for the outlet risers on the stormwater control measures . Sectional view is also required for the spillway.
- (16) Design calculations for the stormwater control measures shall be submitted to the City Engineer's office.
- (17) The developer shall demonstrate that such stormwater control measures are designed, protected and located to assure that public safety is maximized and health problems are prevented. All protective devices shall be adequately screened either by landscaping or another alternative method acceptable to the City Engineer.
- (18) Overflow shall be controlled to prevent property damage.

#### **350-16.D CALCULATIONS OF RUNOFF AND DESIGN STORM FREQUENCY**

- (1) Storm drainage facilities required by this chapter shall be designed to provide protection from a ten- to 100-year storm as determined by the City Engineer. A ten-year design storm would be appropriate where a

storm in excess of the design storm would have minor impact such as inconvenience to traffic on local streets. A 100-year design storm would be appropriate where a storm in excess of the design storm would cause damage to existing or future structures or their contents. Stormwater control measures shall be designed for a twenty-five- to 100-year storm as determined by the City Engineer to store all increased flows generated from development for storms of one-, five-, ten-, twenty-five-, fifty-, and 100-year frequency as determined by the City Engineer. Outlet structures shall address the staged release of predevelopment outflows for each storm aforementioned.

- (2) Stormwater runoff from watersheds of 200 or less acres shall be calculated by rational method as described in Manual Number 37 of the American Society of Civil Engineers.
- (3) Rainfall intensity duration frequency shall be used as developed by Lehigh Valley Planning Commission (LVPC).
- (4) Stormwater runoff from watersheds of more than 200 acres shall be calculated using soil cover complex method developed by the Natural Resources Conservation Service or other appropriate method acceptable to the City Engineer.
- (5) Complete detailed drainage and stormwater control measure design calculations shall be submitted to the City Engineer, certified by a registered professional engineer.
- (6) All storm drainage calculations shall use equations, coefficients and other engineering data contained in storm drainage runoff calculation standards of the City Engineer's office.

#### **350-16.E IMPROVEMENT SPECIFICATIONS FOR STORM DRAINAGE SYSTEMS.**

- (1) Storm drainage systems shall be installed in accordance with the design standards and requirements set forth in this section [\(350-16\)](#) and standard City specifications.
- (2) In streets, inlets shall normally be located along the curbline and at the end of the curb radius points. For the purpose of inlet location at corners, the depth of flow shall be considered for each gutter. At intersections, the depth of flow across through streets shall not exceed one inch. The Manning Equation shall be used to calculate the capacities of gutters. Inlets shall be depressed two inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff.

- (3) Storm sewers shall be required to have a minimum diameter of 15 inches and shall be made of reinforced concrete unless otherwise noted by the City Engineer. Sewers shall be installed in sufficient slopes to provide a minimum velocity of three feet and a maximum of 15 feet per second. Where outlet velocities exceed five feet per second, approved energy dissipaters and/or outlet protection shall be designed and installed.
- (4) Materials and construction requirements shall meet specifications and procedures acceptable to the City Engineer.

### **350-17 Sanitary Sewage Facilities**

#### **350-17.A GENERAL REQUIREMENTS**

- (1) The developer must install sanitary sewer facilities in a manner prescribed by city construction standards and specifications. All plans must be designed in accordance with the rules, regulations, and standards of the City Engineer, PA-DEP (Domestic Wastewater Facilities Manual), and other appropriate agencies. The developer is responsible for preparing all applications required for obtaining PA-DEP permits and for paying all required fees.
- (2) The applicant proposing to build a pumping station or any other sewage conveyance or ultimate disposal facility must comply with the requirements of 25PA 71.72.: Sewage management programs for sewage facilities and community onlot sewage systems.
- (3) Each property must be provided with its own separate sanitary sewer lateral connected to a minimum 8-inch diameter public sewer main. When available, the developer must utilize existing sanitary wyes for new sanitary lateral tie-ins.
- (4) Prior to final acceptance of any new public or private sanitary sewer line extension, service, or repair; lines must be adequately cleaned, inspected, and tested, per city specifications. (12779 §15 7/15/87)

#### **350-17.B INDIVIDUAL DISPOSAL SYSTEMS**

- (1) If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas must comply with the requirements of the zoning ordinance and percolation tests and test holes must be made as directed by the Sewage Enforcement Officer. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, must also be approved by the Sewage Enforcement Officer. (12779 §14 7/15/87)
- (2) On-lot sewage disposal facilities must comply with the provisions of PA-DEP Chapters 71 and 73, Administration of Sewage Facilities Program, Pennsylvania Sewage Facilities Act, No 537. A planning module for on-lot

sewage disposal must be submitted to PA-DEP . The proposed facilities must be deemed satisfactory by the city Health Department and a permit for on-lot disposal system is required. A city Health Department “Letter of Suitability” for on-site disposal must be received by the city with the preliminary plan for each lot proposed. If the proposed subdivision or land development contains an existing on-site sewage disposal facility on the property to be further subdivided or a more intensive use of development is proposed, the developer must submit acknowledgment from the city Health Department indicating that the existing system is functioning properly. If the existing system is inadequate, a new system must be provided by the developer. Each new property that is created that requires an on-lot sewage disposal facility must have an on-lot system instruction manual provided to the new owners of the property.

#### **350-17.C TAPPING FEE**

Each developed lot/property is subject to a sanitary sewer tapping fee (sanitary sewer system capacity fee) in accordance with City Ord. # 14522. Note: Any increased change in density or usage on a given property will require an updated tapping fee.

### **350-18 Water Supply and Fire Hydrants**

#### **350-18.A GENERAL REQUIREMENTS**

- (1) The developer must install a water distribution system that complies with city construction standards and specifications for materials and workmanship. The system must be designed to furnish an adequate supply of water to each lot with adequate main sizes and fire hydrant locations to meet the requirements of the Insurance Services Office and city standards for a protected area. (12369 §1 7/15/79)
- (2) A domestic water supply extension must be provided in accordance with the latest standards of AWWA, DEP Public Water Supply Manual, Part II (Chapter 8) and city construction standards and specifications for materials and workmanship. Prior to final acceptance of any new public or private water line extension, service, or repair (having a diameter or more than 2 inches and in excess or one full length of pipe) lines must be adequately flushed, hydrostatically tested and properly disinfected, per AWWA C-600 and C-651, respectively.
- (3) Distribution systems and appurtenances must be designed and constructed to maintain normal operating pressures of not less than 25 psig nor more than 125 psig at the main, except during periods of peak seasonal loads, when the pressures at the time of hourly maximum demand may not be less than 20 psig nor more than 150 psig.

**350-18.B FIRE HYDRANTS & VALVES**

- (1) In neighborhood zones, fire hydrants must be placed at each intersection, with intermediate hydrants required so that spacing between hydrants does not exceed 500 feet.
- (2) When placing a private underground utility service or line within an adjoining public right-of-way, which exceeds the length of a standard lateral, the developer must obtain a license agreement or utility easement from the city. The developer must prepare and submit all necessary sketches and easement plats for the proposed line.
- (3) Each developed lot/property must be provided with a water meter and backflow prevention device. Per the International Building Code (IBC). Water meters will be furnished and installed by the city. (Ord. 6425, Sec. 5)

**350-18.C INDIVIDUAL WATER SUPPLY SYSTEMS**

If public water facilities are not available and individual on lot well systems are proposed, such wells must comply with recommended standards of the Pennsylvania Department of Conservation and Natural Resources (PA DCNR).

**350-18.D TAPPING FEE**

Each developed lot/ property is subject to a water tapping fee (system capacity fee). Any increased in density or change of use requires an updated tapping fee.

**350-19 Easements**

**350-19.A GENERAL**

- (1) Easements are required as indicated in this section, provided that the City Engineer is authorized to waive or modify the easement requirements of this section based on site-specific considerations.
- (2) All required easements must be indicated on the land development plans. All required easements must be defined by type, bearings, distances, and calculated areas. All plan easements must be accompanied by a written legal description, to be signed by the property owner and the city and recorded in the Lehigh County Courthouse. All required easements must be monumented on one side at the beginning, end, and at all changes in direction.
- (3) Nothing may be placed, planted, set or put within the area of the required easements, except lawns or suitable low ground cover, unless restricted by a special condition as noted on the recorded plan or deed (e.g., placement of a BMP, such as a filtration bed.).

**350-19.B UTILITY EASEMENTS**

- (1) General utility easements must be provided for all public & private utility facilities, which are to be placed along internal property lines. Easements must be provided

for all utility facilities, including but not limited to gas, electric power, telephone, and CATV cables as well as sewers, storm drains, and water mains. Public utility lines may not pass over or under existing or proposed buildings. An easement at least 20 feet in width must be provided along side or rear lot lines, labeled "General Utility Easements." The City Engineer is authorized to require additional width for easements to be occupied by multiple underground utilities. Easements must be centered on or adjacent to lot lines, when possible. Easements are not required along side or rear lot lines when abutting a public right-of-way, such as an alley.

- (2) To minimize disturbance to cartway and sidewalk areas and to provide adequate clearance from street trees within a street right-of-way, utility easements may be provided in private property along the right-of-way line for the installation of private utilities, such as for underground TV cable, power, and phone. (12779 §16 7/15/87)

**350-19.C DRAINAGE EASEMENTS**

Drainage easement must be provided in accordance with the Stormwater Management Ordinance.

**350-19.D SLOPE EASEMENTS**

Whenever a proposed development affects an existing street in such a way that present or future grading of such street's full right-of-way width will necessitate cuts and tills on adjoining property, a slope easement on such adjoining property is required. (12779 §16 7/15/87)

**350-19.E SHARED EASEMENTS**

When deemed necessary by the City Engineer, general utility & drainage easements may overlap. Depending on the type of drainage facility to occupy the shared easement, such as an underground BMP device, the City Engineer is authorized to require an increase in easement width to accommodate the intended utilities and drainage facilities.

**350-19.F RIGHT-OF-WAY UTILITY EASEMENTS**

A license agreement or right-of-way utility easement must be obtained from the city when a private utility/lateral exceeds the normal placement of such lines, excluding the installation of the standard regulated utility lines within the adjoining public right-of-way. Upon receiving all necessary plats/ sketches from the property owner, any required agreements must be in a form acceptable to the City Solicitor.

**350-19.G AIRPORT HEIGHT RESTRICTIONS**

When a development is being proposed in the vicinity of an airport; any potential height restrictions must be explored with regards to applicable clear zone areas and noted on the appropriate plans.

**350-20 Preservation of Natural Features and Amenities**

Existing features that add value to residential developments or to the city as a whole, such as trees, watercourses, historic sites, and similar irreplaceable assets, must be preserved in the design of the development. The preliminary plan must show the number and location of existing trees, as required herein and must further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by the Chapter 597 Trees, Article I Shade Trees. (12369 §1 7/18/79)

**350-21 Tree Protection During Construction****350-21.A APPLICABILITY**

Tree protection is required during construction for all trees 8 inches in diameter or larger to be retained on the site and for all other trees required to be retained in accordance with Sec. [660-73](#) of the zoning ordinance.

**350-21.B REQUIRED PROTECTIONS**

During construction, all available precautions must be undertaken to prevent damage to existing trees.

- (1) **Protection Fencing.** Tree protection fencing and trunk protection must be performed on existing trees per ANSI guidelines.
- (2) **Prevention of Injury.** Protection must include prevention of injury to the trunk, branches, and root systems of existing trees to be retained on the site and any trees on adjacent sites with root systems extending onto the site.
- (3) **Regrading within Dripline.** No soil removal, trenching, or regrading must occur within the root system or beneath the dripline of any tree to be retained on the site without mitigation of the impact of the activity on the tree per a certified arborist's recommendation.
- (4) **Compaction of Soil.** No parking of vehicles or machinery, or storage of materials must occur within the dripline of any existing tree to be retained to avoid the compaction of soil around roots.
- (5) **Inspection.** Before, during, and after the start of construction activity, the city may inspect the site and impose additional procedures to ensure the health of existing trees to be retained.
- (6) **Mitigation of Damage.** The city may assess mitigation of trees damaged during or as a result of construction activities. Mitigation may include replacement trees or fees paid into the city's Tree Planting Fund.

**350-22 Natural Resource Areas****350-22.A WETLAND LIMITS**

Areas subject to flooding, containing wetland vegetation, mottled and/or hydric soils must be reviewed by a wetland specialist and the limits of wetlands indicated on the plans. The results of such review must include the following:

- (1) A statement from the wetland specialist that the limits of wetlands indicated on the plans have been defined in accordance with current federal guidelines for wetland determination and a signature and date from the wetland specialist attesting to this fact.
- (2) Areas subject to flooding with a potential of wetlands presence but lacking all the necessary federal requirements defining wetlands must be provided with a certification from a wetland scientist that no wetlands are present on the site.

**350-22.B JURISDICTIONAL WETLANDS**

A jurisdictional determination by the US Army Corps of Engineers must be obtained by the developer if required by the City Engineer.

**350-22.C FLOODPLAINS**

Floodplain and floodway information must be identified on the land development plans. Such plans must indicate finished floor elevations and any emergency response procedures proposed by the property owner or homeowner's association.

**350-22.D ARMY CORPS AND PA-DEP PERMITS**

Encroachments into regulated areas including wetlands, floodplains, and waters of the Commonwealth require all necessary regulatory permits from the US Army Corps of Engineers and the Pennsylvania Department of Environmental Protection.

**350-23 Transportation Impacts****350-23.A WARRANTS****(1) Transportation Impact Study**

- (a) A transportation impact study (TIS) is an analyses to determine the full impact of a proposed development on the transportation system.
- (b) A TIS is required for a proposed development that meets any of the following criteria:
  - [1] During any one hour time period of any day of the week, the development is expected to generate 100 or more vehicle trips entering the development or 100 or more vehicle trips exiting the development;
  - [2] For existing sites being redeveloped the site is expected to generate 100 or more additional trips entering or exiting the development during



any one hour time period of any day of the week; or

- [3] In the opinion of the City Engineer, the development or redevelopment is likely to have significant impacts on traffic safety or traffic flow, even if the warrant criteria in 1 or 2, above are not met.

- (c) Transportation impact studies must be conducted under the supervision of a Pennsylvania registered Professional Engineer.

**(2) Transportation Impact Assessment**

- (a) A transportation impact assessment (TIA) is a limited evaluation to determine transportation impacts of a proposed development at specific intersections, driveways, or locations.
- (b) A TIA is required for a proposed development that, in the opinion of the City Engineer, is likely to have moderate impacts on traffic safety or traffic flow at specific intersections, driveways, or locations.
- (c) Transportation impact assessments must be conducted under the supervision of a Pennsylvania registered Professional Engineer.

- (3) **PennDOT.** The Pennsylvania Department of Transportation (PennDOT) may require a Traffic Impact Study (TIS) or Transportation Impact Assessment (TIA) based on state guidelines and criteria involving state-owned roadways impacted by the proposal.

**350-23.B SCOPING**

Before conducting the TIS or TIA, the consultant must prepare trip generation estimates, provide design vehicle data and confer with the City Engineer to determine the scope of the study or assessment.

**350-23.C STUDY OR ASSESSMENT REQUIREMENTS**

Traffic impact studies and traffic impact assessments must be prepared in accordance with the Institute of Transportation Engineer's (ITE) Traffic Engineering Handbook and ITE's Transportation Impact Analyses for Site Development and PENNDOT Publications 212 and 282 and include the following information, provided that the City Engineer is authorized to waive individual study requirements or supplement this list of required information based on surrounding transportation conditions or the specific characteristics of a development, or development site:

- (1) Description of the proposed project in terms of land use type and magnitude.
- (2) An inventory of existing conditions in the site environs (one-half to 1-mile radius).
- (3) Roadway network and traffic control.

- (4) Existing traffic volumes in terms of peak hours and average daily traffic.
- (5) Planned roadway improvements (by others).
- (6) Intersection levels of service.
- (7) Roadway levels of service (where appropriate).
- (8) Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
- (9) An analysis of existing traffic conditions, including:
- (a) Intersection levels of service;
- (b) Roadway levels of service (where appropriate); and
- (c) Other measures of roadway adequacy (i.e. lane widths, traffic signal warrants, vehicle delay studies, etc.).
- (10) Projected site-generated traffic volumes in terms of:
- (a) Peak-hour (PHT) and average daily traffic (ADT);
- (b) Approach/departure distribution including method of determination;
- (c) Site traffic volumes on roadways; and
- (d) Comparison of existing zoning to proposed site generation.
- (11) An analysis of future traffic conditions including:
- (a) Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
- (b) Intersection levels of service;
- (c) Roadway levels of service (where appropriate); and
- (d) Other measures of roadway adequacy (i.e., lane widths, traffic signals warrants, vehicle delay studies, etc.).
- (12) A description of the recommended access plan and necessary improvements, including:
- (a) Schematic plan of access and on-site circulation; and
- (b) General description of off-site improvements required.

**350-23.D THIRD-PARTY REVIEWS**

When the city determines that competent and expeditious review of a TIS or TIA requires review by a third-party consultant, the applicant is responsible for reasonable fees associated with such third-party consultants.

**350-23.E RESPONSIBILITY FOR IMPROVEMENTS**

- (1) When the TIS or TIA indicates that the proposed development will result in traffic impacts necessitating improvements to existing streets and intersections the applicant may be required to install necessary

improvements. Such needed improvements are limited to those attributable to the proposed development (rather than those that remedy deficiencies in existence before the new development) in order to:

from the City of Allentown Fire Department's Fire Prevention Office before initiating any blasting operations.

- (a) Assure adequate, safe and convenient access to each lot and structure and parking compound proposed as part of the development of the subject tract,
  - (b) Accommodate the traffic for the proposed development,
  - (c) Provide for an acceptable level of service and delay for the design year, or years for phased projects, with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development, and
  - (d) Preserve the existing convenience of access to or ability to exit from abutting lots that gain access from the existing street,
- (2) If the city determines that some or all of the required improvements or some or all of any agreed upon off-site improvements are not feasible or appropriate at the present time, the applicant may be required to enter into agreement with the city and deposit financial security with the city until such time that the improvements are satisfactorily installed by the applicant and accepted by the city.

### **350-24 Erosion and Sedimentation Control**

#### **350-24.A GENERAL**

The Lehigh County Conservation District (LCCD) is the City authorized agency to administer and issue permits for the NPDES Program. The LCCD's administration of the program does not prevent the city from requiring more stringent erosion and sedimentation controls and best management practices.

#### **350-24.B REQUIREMENTS**

Erosion and sedimentation control requirements must follow the principles outlined in the Land Development Controls Ordinance. The City also requires developments to utilize the PA-DEP Erosion and Sediment Pollution Control Program Manual.

### **350-25 Blasting**

No blasting is permitted in the city without approval of the City Engineer. All blasting operations are subject to compliance with the International Fire Code 2018, State/DEP regulations and NFPA 495. Any blasting must comply with the PA Code Title 25, Rules & Regulations for Storage, Handling & use of explosives. Permits must be obtained

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ARTICLE 3      MASTER PLAN DEVELOPMENT (MPD)

350-26    Generally ..... 3-2

350-27    Blocks and Streets ..... 3-2

350-28    Civic Space ..... 3-6

350-29    Waterfront Access ..... 3-7

### **350-26 Generally**

#### **350-26.A INTENT**

The Master Plan Development (MPD) regulations are intended to implement the goals of the comprehensive plan, the Lehigh Riverfront Master Plan, and other planning documents. These regulations are intended to apply to existing parcels larger than a typical, walkable block and to result in a site-specific master plan that:

- (1) Addresses the surrounding existing and planned context, relationships to other parcels, transportation continuity, and other interactions;
- (2) Results in an interconnected system of streets and blocks, extending the city's current grid, which provides access and mobility to all users via multiple modes of transportation;
- (3) Incorporates a variety of smaller, usable, accessible open space for residents and visitors to the sites within walking distance; and
- (4) Implements the Lehigh Riverfront Master Plan, by helping ensure access to and visibility and stewardship of the riverfront.

#### **350-26.B APPLICABILITY**

- (1) The MPD regulations of this article apply to new large-scale developments on a single lot or combination of lots totaling 5 acres or more. New developments on sites in I or P zones are exempt from master plan development requirements (see also section [660-07](#) of the zoning ordinance) as are minor modifications, as determined by the city, to existing developments on 5-acre or larger lots.
- (2) The following must be included in the MPD:
  - (a) All adjacent and abutting land under the same or similar ownership must be included. Similar ownership means parcels that have any common owners with legal rights.
  - (b) All parcels considered to be part of the same development or phases of a development.
  - (c) All adjacent and abutting parcels under separate ownership that are either vacant or anticipated to be developed within 10 years of the submittal must be included for planning purposes and noted as such. Planning purposes include such items as access to those sites, incorporation into the blocks of the MPD, continuity of waterfront access and visibility, access to usable open spaces, and mixing of uses and access to daily uses.
  - (d) All parcels the director of the Bureau of Planning and Zoning requests to be included for planning purposes.

#### **350-26.C SUBMITTALS**

All MPDs require review and approval as major land developments, in accordance with [Article 5](#). In addition to other application submittal requirements (see [Article 4](#)), applications for approval of an MPD must include the following:

- (1) **Project Information.** The development application must be complete and include, at a minimum, the following:
  - (a) Total area in the development project including legal description.
  - (b) Ownership and contact information.
  - (c) Intent of development.
  - (d) Brief narrative explaining how adjacent and abutting properties were considered during the development of the master plan.
- (2) **Project Phasing & Guarantees.** Description and mapping of anticipated project timing and phasing, including all components (such as utilities, streets, parking, civic spaces, landscaping, uses, building types). Proposed mechanisms (such as financial guarantees) must be included to ensure completion of all site components, such as streets and civic spaces, phased in conjunction with buildings.
- (3) **Plans and Details.** List of plan and detail submittal requirements is available from the City.
- (4) **Master Development Plan Components.** The submittal plans must include all components defined in [Article 3](#).
  - (a) **Boundary Lines.** All streets, civic space, waterfront buffers, and building sites must be located on separate lots, rights-of-way, or easements. These lines provide the baseline for measuring locations of building types.
  - (b) **Zones and Building Types.** The regulating plan must locate all proposed new zones on lots and consider the regulations for building types in [Article 4](#) of the zoning ordinance to ensure the areas designated can accommodate buildings meeting the regulations. Building plans and elevations meeting the regulations of [Article 4](#) of the zoning ordinance are not required for the MPD approval; however, building and parking footprints are encouraged.

### **350-27 Blocks and Streets**

#### **350-27.A BLOCK LAYOUT**

An interconnected system of streets and blocks is required for all MPD sites.

- (1) Block Size.** Block length must be no more than 600 feet, with a maximum perimeter of 1800 feet, except as follows:
  - (a)** Blocks with natural or existing site constraints, such as those abutting rail corridors, highways, steep grades, and waterways, may be longer.
  - (b)** Where blocks are longer than 700 feet, pedestrian access easements, minimum 20 feet in width with minimum 5-foot sidewalks, must be located approximately mid-block, effectively reducing the resulting pedestrian blocks to dimensions less than the block sizes defined in [\(1\)](#), above.
- (2) Access Points.** An access point is a new street connecting to an existing street. A minimum of two access points must be provided for the MPD, with a minimum of one per every 1,500 feet of boundary, except along rail corridors, waterways, steep grades, or limited access highways.
- (3) Extend Existing Streets.** Streets must connect and continue existing streets from adjoining areas. Future connections must be considered and temporary dead-end streets may be supplied for future extension with City Engineer approval.
- (4) Shape of Blocks.** The shape of a block should be generally rectangular in order to accommodate typically rectilinear buildings, but may vary due to natural features or site constraints.
- (5) Civic Space Frontage.** Refer to [350-28](#) for civic space requirements, including street frontage requirements. Open space, existing and new, shall be fronted with streets to provide more visibility and access.
- (6) Culs-de-Sac.** Culs-de-sac streets are prohibited, except when approved by the planning commission due to the presence of natural features or site constraints, including but not limited to waterways, or highways. If approved, pedestrian connections and landscape plantings may be required.
- (7) Lot Configuration.** All lots must have frontage along a street per the building type requirements, unless otherwise specified. See [Article 4](#) of the zoning ordinance for building types and lot size requirements.
  - (a)** Blocks must have lots fronting on at least 2 street faces, preferably the longest faces, with the exception of blocks containing open space or civic space. See [Article 4](#) of the zoning ordinance for building type regulations regarding double-frontage lots.
  - (b)** Flag lots, located on the interior of the block with street frontage only for driveway access, are prohibited except when approved by the Planning

Commission due to topography or natural feature constraints.

- (c)** Regulations for anticipated building types shall be considered when setting block depth and width to avoid the need for future variances.
- (d)** Consider lot and block orientation for maximum energy efficiency, depending on the building type. For example, block orientation along an east-west longitudinal axis will encourage development of long mixed-use buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.
- (8) Service Access.** The configuration of the lots and blocks must include alleys or service drives per [350-27.C](#) to accommodate parking and garage access, refuse and recycling pickup, and utilities in the rear of lots.
- (9) Existing Lots.** Blocks may be established to include already existing lots within them and those lots may retain their existing zone designation.
- (10) Vistas.** Views down streets that terminate at parcels (referred to as "vistas" in these regulations), including where a street might angle at less than 90 degrees, must be considered when laying out streets and blocks, and locating open space, parking, and buildings.

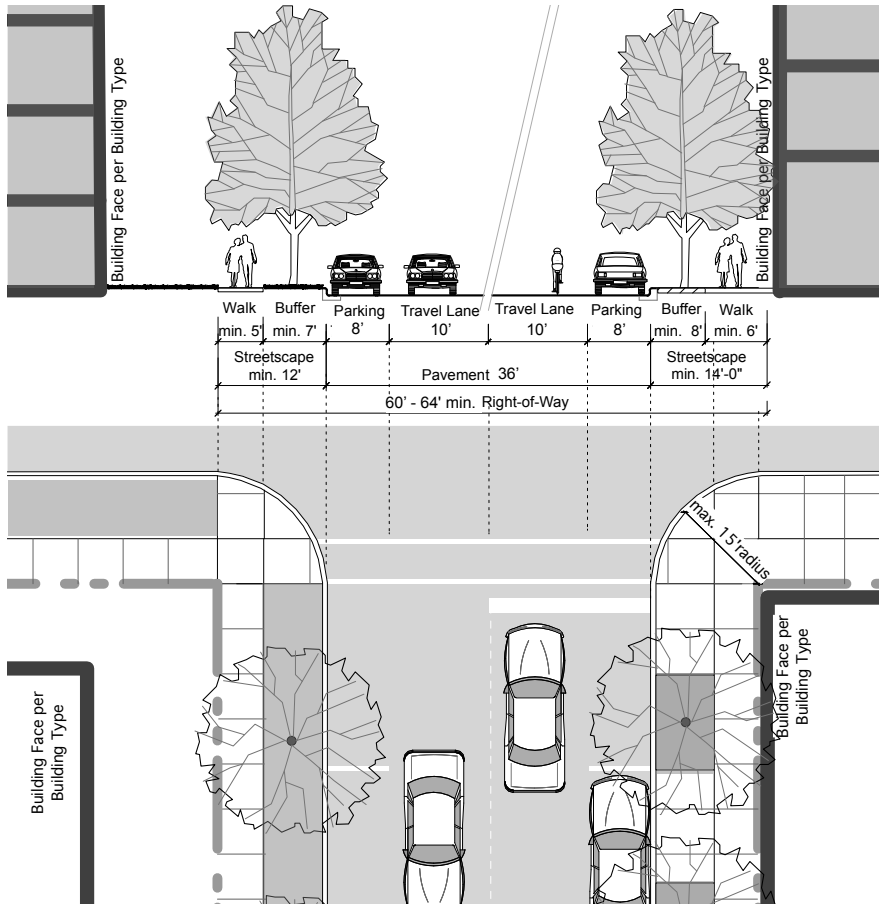
### **350-27.B STREET CONFIGURATION**

Complete streets provide for multiple modes of access throughout the city. All streets, whether publicly dedicated or privately held, must meet the following requirements.

- (1) Base Street Requirements.** The base street type is illustrated in [Figure 3.290-A](#). The City Engineer may require additional street right-of-way or other configuration based on existing context and circulation needs. The base street defines the minimum components of any new street on the interior of the development and includes the components outlined in this section, [350-27.B](#).
- (2) Streetscape**
  - (a) Non-Residential Streetscape Width.** The minimum dimension required for streetscapes along non-residential ground stories is 14 feet, with a clear sidewalk width of at least 6 feet and a minimum 8-foot street tree buffer zone.
  - (b) Residential Streetscape Width.** Along residential ground stories, the minimum is 12 feet with a clear sidewalk of at least 5 feet and a minimum 7-foot street tree buffer.
  - (c) Landscape.** See [350-13](#) for streetscape area regulations, including references to sidewalk and

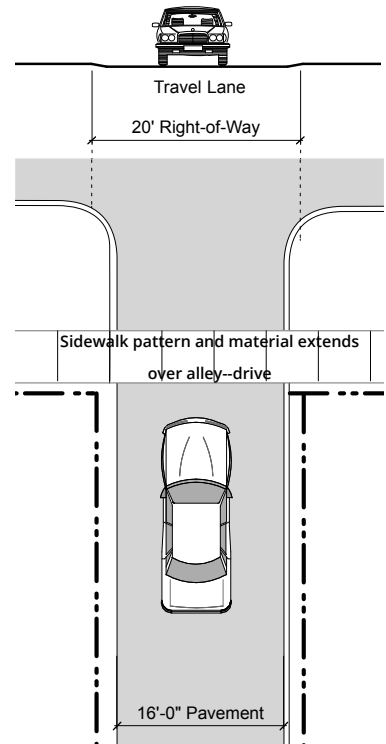


**RESIDENTIAL STREETSCAPE  
 SIDEWALK & BUFFER  
 ILLUSTRATED**

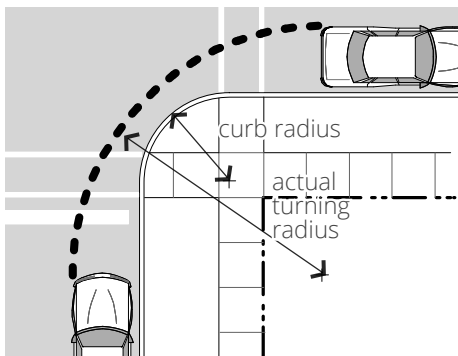


**Figure 3.290-A. Typical Base Street**

**NON-RESIDENTIAL STREETSCAPE  
 SIDEWALK & BUFFER  
 ILLUSTRATED**



**Figure 3.290-C. Typical  
 Alley or  
 Service Drive**



**Figure 3.290-B. Illustration of Actual  
 Turning Radius vs. Curb  
 Radius**

street tree regulations. Enhanced streetscape is required adjacent to any storefront area.

**(3) Travel Lanes & Pavement Width.** Pavement width must accommodate travel lanes, on-street parking, and any on-street bicycle accommodations.

**(a) Travel Lanes.** Travel lanes of 10 feet are required, except the following may be approved by the planning commission with recommendation of the City Engineer:

- [1] Shared Lane.** A shared, single 16-foot two-way travel lane for local residential streets within N zones and appropriately spaced pull-offs to allow vehicles to pass are provided. (Pull-offs may include fire hydrant, no-parking zones where on-street parking is provided.)
- [2] One Way.**
- [3] Narrow Street.** A shared, single 12-foot two-way travel lane for local residential streets with N4 or N5 zones abutting both sides, and appropriately spaced pull-offs to allow vehicles to pass are provided.

**(b) On-Street Parking.** On-street parking provides convenient parking for businesses and for parks and open space users, decreases the need for off-street parking, and buffers pedestrians on the sidewalk from vehicular traffic on the street.

- [1]** On-street parking must be provided on both sides of the street. If only one lane of on-street parking is approved, the minimum pavement width for a two-way street is 30 feet and the minimum right-of-way width is 54 feet.
- [2]** Minimum width of on-street parking is 8 feet, except where N zones abut the street, minimum width is 7 feet.
- [3]** Back-in or head-in angled parking is acceptable in lieu of parallel parking with additional width to the right-of-way.

**(c) Maximum Pavement Width.** The maximum crossing width for all streets internal to the development is 38 feet. Wider pavement widths must include a median in the middle to provide pedestrian refuge and/or bulb-outs to reduce the crossing widths to less than 38 feet, as determined by the city engineer.

**(4) Mid-Block Pedestrian Paths.** Where the maximum block size is exceeded as allowed per [350-27A.\(1\)](#), mid-block pedestrian paths are required.

**(5) Street Crosswalks.** Crossings at all street intersections shall include a clear pedestrian path across streets (crosswalks) with accessibility ramps at curbs, demarcated by paint, stamped patterns, or pavers. Raised crosswalks are required for upland connections crossing streets to waterfront access (see [350-15](#)).

**(6) Curb Radii.** Intersections must be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, increasing pedestrian safety. See [Figure 3.290-B](#) for illustration.

- (a)** Where on-street parking is provided with no bulb-out, a radius no greater than 10 feet is required.
- (b)** Where on-street parking is provided with a bulb-out or where no on-street parking is provided, a radius no greater than 15 feet is required.
- (c)** Adjacent to I zones, a radius no greater than 25 feet is required.

**(7) Bicycle Accommodations.** New streets within the development shall accommodate bicycle access per the city's most recent comprehensive or bicycle plan. Bicycle accommodations shall be included on through streets and higher activity streets. On non-commercial and lower activity streets, bicycles may share vehicular lanes. Refer to the City's complete streets manual for further details.

### **350-27.C ALLEYS OR SERVICE DRIVES**

**(1)** Alleys or service drives (see [Figure 3.290-C](#)) must be provided through all blocks to provide vehicular access, refuse and recycling, and service access to all lots, except as follows:

- (a) Parking Drives.** Parking lot drives and parking structure drives may serve as alleys if the drive is continuous through the block with at least 2 access points and serves all lots on the block.
- (b) Single Access.** A single point of access is allowed where a parking structure requires only one access and the access is located off a side street.
- (c) Constraints.** Where natural or existing site constraints (e.g. a waterway, rail line, or highway) limit the block depth and no more than 2 vehicular access points are provided for the lots on the block, alleys and service drives are not required.

**(2)** Alleys or service drives must be located within boundary lines on the plan with a minimum width of 20 feet and a minimum pavement width of at least 12 feet. See [Figure 3.290-C](#).

#### **350-27.D FRONT STREET DESIGNATION**

The orientation and location of buildings on lots is determined by the front street designation. Many building type requirements are specific to the front street abutment. Front streets are treated as the front of the building.

- (1) Minimum Designation.** A minimum of 45% of a combination of the new streets centerlines on the MPD and existing streets fronting the development must be designated as front streets.
- (2) Building Frontage.** Front streets must be designated so that all building lots abut at least one front street, except up to 20 percent of the lots may front a side street.
- (3) Civic Space Frontage.** Where practicable, streets along civic space, required per [350-28](#), must be designated as front streets to ensure building fronts face the civic space.
- (4) Alleys, Driveways, and Service Access.**
  - (a) Driveways and Service Access.** Driveways and service access to lots must not be located off a front street, unless otherwise allowed by building type.
  - (b) Alleys.** Alleys providing access to more than 2 lots may be located off a front street. Otherwise, alley access off a front street should be avoided.
  - (c) No Side Street.** When the parcel is fronted by more than two front streets and/or there is no side street or alley access, the City Engineer must designate which street may have driveway and service access. See [660-18.K](#) of the zoning ordinance for front streets in building types.
- (5) Major Streets.** When the development abuts a street with a right-of-way wider than 120 feet, one of the following layouts may be utilized to create slower, more accessible, and more walkable streets for fronting commercial or mixed-use buildings than the major street might provide:
  - (a) Perpendicular.** A new front street located generally perpendicular to the existing major street.
  - (b) Frontage Street.** A new front street located essentially parallel to the major street with a landscape buffer island or boulevard median of at least 10 feet separating the streets.

#### **350-28 Civic Space**

All developments where a master plan development (MPD) is required must provide the following civic space.

##### **350-28.A DESIGN**

All new civic spaces must be designed by a landscape architect or other landscape or architectural design professional.

##### **350-28.B REQUIRED AMOUNT**

- (1) Overall Minimum.** A minimum total of 10% of the total MPD site area must be utilized as civic space types.
- (2) Distance from Principal Entrances.** One type of civic space is required within a 500-foot distance, as measured continuously along a sidewalk, from the all front entrances of all buildings and any residential and live-work units with entrances on the street. The intent is to provide usable open space within a short walking distance for all occupants and visitors.
- (3) Mix of Civic Space Types.** A mix of types is required, with not more than 2 of any one type utilized for each 5 acre increment of site.
- (4) Existing Civic Spaces.** Existing open space may be counted towards the civic space required proximate to entrances in [350-28.B.\(2\)](#), provided the existing spaces meet the regulations of one of the types in [350-28.C](#) and the space is publicly accessible.

##### **350-28.C TYPES OF CIVIC SPACE**

The following types of civic space are allowed. Refer to [Figure 3.290-D](#) for example images.

- (1) Plaza.** A plaza is a generally hardscaped area (minimum 60 percent coverage), minimum 5,000 square feet in size, with either street, pedestrian, river right-of-way, or building frontage on all sides and at least one side the equivalent of 25 percent of the perimeter fronting a front street. A single plaza may not fulfill the minimum civic space requirements; if a plaza is utilized to meet the distance requirement, another civic space must be incorporated in another location on the site.
- (2) Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.
- (3) Green.** A green is a generally landscaped space (minimum 70 percent), minimum 1/2 acre in size, with street right-of-way on at least 50% of the perimeter.
- (4) Greenway.** A greenway is a linear landscape space, minimum 2 acres in total, minimum 30 feet wide and a minimum 70-foot average width, and with street right-of-way on at least 30 percent of the perimeter.
- (5) Park.** A park is a larger, generally landscaped space, a minimum of 2 acres in size, with at least 25 percent of the perimeter on a street right-of-way.

##### **350-28.D TRAILS**

Refer to any city open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.

**350-29 Waterfront Access** .....

See [350-15](#) for treatment along all waterways and waterfronts on or abutting the site. Additionally, for any MPD abutting a waterway, the following is required:

- (1) **Expanded Waterfront Buffer.** All requirements of [350-15](#) apply for the waterfront, however, the minimum width for the waterfront buffer in an MPD is 50 feet. The waterfront buffer and access must occur continuously along all waterfront edges.
- (2) **Greenway Along Waterfront.** Where the waterfront edge measures more than 250 feet in length, a minimum 50-foot wide Greenway civic space type is required along a minimum of 75% of the waterfront, meeting all other minimum size requirements for the Greenway. The waterfront buffer may be located within the Greenway. See [350-27.A.\(5\)](#) for street frontage requirements of civic open space. Where this Greenway is required, at least one more additional civic space type must be located on the site.
- (3) **Upland Connection.** See [350-15.F](#) for upland connection regulations. A minimum of one upland connection is required for the MPD, irrespective of the linear footage of waterfront edge.



*Example of a PLAZA*



*Example of a GREEN*



*Example of a GREENWAY*

**Figure 3.290-D. Examples of Civic Space Types**

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ARTICLE 4      PLAN SUBMITTAL REQUIREMENTS

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**350-30 General**

- (1) The provisions of this article establish minimum submittal requirements for various applications under this ordinance. The Planning Director, City Engineer, or Planning Commission may require the submission of any additional information required to determine compliance with the regulations of this ordinance.
- (2) The Planning Director and City Engineer are authorized to waive or modify specific submittal requirements and application formats.

**350-31 Project Narrative**

A project narrative must be provided for all subdivisions and land development applications. Required project narratives must accompany sketch plans, preliminary plans and final development plans. Project narratives must include at least the following information unless the Planning Director deems such information unnecessary for the specific project:

**350-31.A PROJECT TITLE (OR NAME)**

The name of the proposed subdivision or development.

**350-31.B PROJECT LOCATION**

The parcel number and/or street address of the project.

**350-31.C SUBDIVISIONS**

If the project is a subdivision, the following information is required:

- (1) Original number of parcels (before division or consolidation);
- (2) Total land area of subdivision; and
- (3) Number of resulting lots after subdivision or consolidation

**350-31.D LAND DEVELOPMENTS**

If the project is a land development, the following information is required:

- (1) Project description (1 or 2 paragraphs)
  - (a) Proposed land uses;
  - (b) Number of buildings and area of building footprints;
  - (c) Building height (in feet and number of floors);
  - (d) Gross floor area;
  - (e) Number of dwelling units; and
- (2) Color renderings (frontal and perspective)
- (3) Facade materials

**350-32 Sketch Plans**

Sketch plans must be submitted to the Planning Director through the city's electronic plan review portal. Such plans must be clearly and legibly drawn to scale with a sheet size not to exceed 24 by 36 inches. The sketch plan must contain at least the following information, unless the Planning Director deems such information unnecessary for the specific project:

**350-32.A PROJECT NARRATIVE**

A project narrative, in accordance with [350-31](#).

**350-32.B LOCATION**

- (1) Tract boundaries.
- (2) Location of that portion which is to be developed in relation to the entire tract.
- (3) A vicinity map showing the streets and other general development of the surrounding area. (12779 §8 7/15/87)

**350-32.C EXISTING FEATURES**

- (1) The name, address, and telephone number of the legal agents and owner of the property. (12779 §8 7/15/87)
- (2) The tax map sheet, block and lot numbers. (12779 §8 7/15/87)
- (3) Approximate scale, north point and date. (12779 §8 7/15/87)
- (4) Location of property lines, existing easements, watercourses, waterways, wooded areas, and other significant physical features and names and locations of public streets within a distance equal to the width of the widest public right-of-way abutting the boundaries of the development.
- (5) The names of all current owners of property abutting the proposed development, as shown on the most recent assessment rolls. (12779 §8 7/15/87)
- (6) Contours must be indicated at intervals of not more than 10 feet. (12779 §8 7/15/87)
- (7) The proposed pattern of lots, streets, recreation areas, drainage systems, sanitary sewers, and water supply facilities within the development layout. (12779 §8 7/15/87)
- (8) A site plan with sufficient detail to allow a determination of compliance with applicable zoning regulations.

**350-33 Preliminary Plans**

**350-33.A PROJECT NARRATIVE**

Preliminary plans must be accompanied by a project narrative, in accordance with [350-31](#).

**350-33.B FORMAT**

The preliminary plan of a proposed land development must be clearly and legibly drawn to scale with a sheet size not

to exceed 24 by 36 inches except where approval of an alternative format is obtained from the City Engineer. (12779 §11 7/15/87)

**350-33.C PLAN DETAILS**

The preliminary plan must contain 5 groups of information: title block, location map, existing conditions, development design and engineering drawings. The specifications for each group are as follows:

**(1) Title Block**

- (a) Name of the development, and the notation "Preliminary Plan." (12779 §9 7/15/87)
- (b) Name and address of the record owner of the tract, and the name, address, registration number and seal of the registered professional who prepared the plan. All final utility plans must be prepared by a registered professional engineer unless this requirement is waived by the City Engineer for minor extensions. (12779 §9 7/15/87)
- (c) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision. (12779 §9 7/15/87)
- (d) The name of the municipality, the ward, and the tax map sheet, block, and lot number corresponding to the development. (12779 §9 7/15/87)
- (e) The recorded deed volume and page number or Docket ID Number of the land to be subdivided. (12779 §9 7/15/87)

**(2) Location Map.** A location map must be placed on the preliminary plan, for the purpose of locating the property being developed, differentiated by tone or pattern, and drawn at a scale large enough to show the development's relationship to existing community facilities and features such as traffic arteries, schools, recreation area, shopping areas, and industrial areas. (12779 §9 7/15/87)

**(3) Existing Conditions.** Existing conditions must be shown on the design scheme, including:

- (a) The location and dimensions of all property lines of the property with appropriate bearings, angles and references, and a statement of the total acreage of the property. (12779 §9 7/15/87)
- (b) The project benchmark location and elevation as well as a north arrow must be provided on all land development plan sheets.
- (c) Contour lines at vertical intervals of no more than 2 feet for land with average natural slopes of 3% to 10%, and at intervals of no more than 5 feet for

land with average natural slope exceeding 10%. For slopes of less than one percent, the City Engineer may require spot elevations at all high and low points and/or a designated survey grid. Existing contours should be represented by dashed lines, proposed contours should be solid lines. Heavier solid lines should be at 10-foot intervals. All contour lines must be based on a datum selected by the City. (12779 §97/15/87)

- (d) All existing streets, easements, water bodies, tree masses, streams, and other pertinent features such as flood plain areas, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and other significant natural or man-made features within a distance equal to the width of the widest public right-of-way abutting the boundaries of the development. (12779 §9 7/15/87)
- (e) Zoning district and proposed changes, if any. (12779 §97/15/87)
- (f) The name of the record owner and the names of all current owners of property abutting the proposed development, as shown on the most recent assessment rolls. (12779 §9 7/15/87)
- (g) All dedicated streets and easements including streets of record (recorded but not constructed) within or adjacent to the proposed development, including names, right-of-way widths, cartway widths, and approximate grades. (12779 §9 7/15/87)
- (h) No plat requiring access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plat contains the following note: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), before driveway access to State highway is permitted." (13014 §21 11/7/90)
- (i) All sewer lines, water lines, fire hydrants, utility transmission lines, and other underground installations which exist within or adjacent to the proposed development. (12779 §9 7/15/87)

**(4) Proposed Development Design**

- (a) The tentative location and width of all proposed streets and easements, alleys, and other public ways, and right-of-way and building set back lines. Proposed street names must also be shown. (12779 §9 7/15/87)
- (b) The tentative location of lots, including approximate lot dimensions and lot numbers, a statement of the total number of lots and parcels, and a statement

of the intended use of all nonresidential lots and parcels. (12779 §97/15/87)

- (c) The general location of all proposed water mains, fire hydrants, storm and sanitary sewers, detention facilities, Best Management Practices (BMPs), and where possible, public utility and private easement locations. (12779 §9 7/15/87)
- [1] If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants must present evidence to the Planning Commission, that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area, as appropriate must be acceptable evidence. (13014 §21 11/7/90)
- (d) The location and dimensions of all property to be set aside, dedicated, or reserved for public use including, but not limited to parks, playgrounds, and school sites, or other public or private reservation, with designation of purpose thereof, and conditions, if any, of the dedication or reservation. (12779 §9 7/15/87)
- (e) Sufficient data acceptable to the City Engineer to, determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments. (12779 §97/15/87)
- (f) The project benchmark location and elevation as well as a north arrow must be provided on all land development plan sheets.
- (g) Sufficient data where the proposed land development lies partially or completely in a certified flood plain area, or where the proposed land development borders on a flood plain area. In this event, the preliminary plan must delineate the FEMA-mapped 100-year floodplain boundaries and include detailed information giving the tentative location and elevation of proposed roads, public utilities, and building sites. All such plans must show contours at intervals of 2 or 5 feet depending on the slope of the land, and must identify accurately the boundaries of the flood-prone areas. Additionally, information must be submitted concerning the 100-year flood elevations,

proposed lots and sites, fills, flood or erosion protective measures, and areas subject to special deed restriction. All development encroaching into the FEMA-mapped 100-year floodplain must comply with the Flood Control Ordinance and obtain a floodplain development permit. (12779 §9 7/15/87 and 13314 1/5/95)

- (h) On the basis of standards promulgated by the Pennsylvania Department of Environmental Protection, the developer's engineer must submit, as part of the preliminary plan, tentative computations of the average daily quantity and quality of sanitary sewage flow. Additionally, the developer's engineer must submit data indicating the ability of the sanitary sewage system to accommodate discharge from the development to the City treatment plant. (12779 §9 7/15/87)
  - (i) Landscape plans in accordance with the standards promulgated in the Chapter 597 Trees, Article I Shade Trees.
  - (j) Proper shielding of all light fixtures is required.
  - (k) A house numbering plan in accordance with the plans on file in the Office of the City Engineer. (12779 §9 7/15/87)
  - (l) Existing and proposed buildings and appurtenances including parking areas, loading/unloading facilities, driveways, pedestrian ways, refuse disposal areas, etc.
  - (m) A post-construction stormwater management (PCSM) plan or drainage plan showing the locations of all proposed permanent BMP devices along with the ownership and maintenance responsibilities (see also the Stormwater Management Ordinance).
  - (n) A narrative describing the Low-Impact Development techniques from the Stormwater Management Ordinance considered for incorporation into the preliminary plan.
- (5) Engineering Drawings**
- (a) The engineering drawings which must be submitted on appropriate supplementary sheets are:
  - (b) Tentative street cross-section drawing, at intervals approved by the City Engineer, for all proposed streets. (12779 §9 7/15/87) .
  - (c) Existing and proposed grades must be shown along the curb lines of all streets. Grade plans must be prepared at a scale of one inch equals 100 feet. (12779 §9 7/15/87)
  - (d) Tentative profiles for each street shown on the site plan, showing the location and typical cross-

sections of street pavements, including curbs, rights-of-way, sidewalks, drainage easements, manholes, and catch basins; the location and size of street trees and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems, and exact location and size of all water, gas, CATV, electric, telephone, or other underground or overhead utilities. (12779 §9 7/15/87)

- (e) A tentative plan for the surface drainage of the tract to be developed, including the upstream watershed contribution and downstream watershed contribution and downstream watershed impact area. Such plan must include preliminary storm water runoff calculations for the entire area being developed, including adjacent areas within the watershed and must show the proposed method of accommodating the proposed runoff and indicating individual lot flow direction from the site itself. (12779 §9 7/15/87)
- (f) Preliminary designs of any bridges or culverts (catch basins) which may be required. (12779 §9 7/15/87)

## **350-34 Final Plans**

### **350-34.A PROJECT NARRATIVE**

Final plans must be accompanied by a project narrative, in accordance with [350-31](#).

### **350-34.B FORMAT**

The final plan of a proposed land development must be clearly and legibly drawn to scale with sheet sizes not to exceed 24 by 36 inches except where special approval is obtained from the City Engineer. Reproducible mylar (or equivalent material) shall be the only acceptable material as a base for the final plan. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections must be shown on each sheet. (12779 §10 7/15/87)

### **350-34.C PLAN DETAIL**

The final plan must contain 5 groups of information: Title block, location map, development design, engineering drawings, and certifications. Where noted, or where appropriate, data must be on supplementary sheets. The specifications for each group are as follows:

#### **(1) Title Block**

- (a) The name of the development and the notation "final plan." (12779 §10 7/15/87)
- (b) Name and address of the record owner of the tract, and the name, address, registration number and seal of the registered professional pursuant

to Section [350-34.C](#) who prepared the plan. All final utility plans must be prepared by a registered professional engineer unless this requirement is waived by the City Engineer for minor extensions. (12779 §10 7/15/87)

- (c) North point, graphic scale, written scale, and date; including month, date, and year that the original drawing was completed, and the month, date, and year that the original drawing was revised, for each revision. (12779 §10 7/15/87)
- (d) The name of the municipality, the ward, and the tax map sheet, block, and lot number corresponding to the development. (12779 §10 7/15/87)
- (e) The total acreage, street acreage, residential lot acreage, acreage in other uses, lineal feet of streets, number of lots, number of dwelling units, and average lot size (residential acreage divided by the number of lots). (12779 §10 7/15/87)
- (f) The recorded Deed Volume and Page Number or Docket ID Number and Lehigh County parcel number of the land to be subdivided. (12779 §10 7/15/87)

**(2) Location Map.** A location map must be placed on the final plan, for the purpose of locating the property being developed, differentiated by tone or pattern and drawn at a scale large enough to show the development's relationship to existing community facilities and features such as traffic arteries, schools, recreation areas, shopping areas, and industrial areas. (12779 §10 7/15/87)

**(3) Development Design Scheme.** The proposed development must be shown on the design scheme as follows:

- (a) Total tract boundary lines of the area being developed with accurate distance to hundredths of a foot. Relative error of traverse closure, based on measurements taken in the field, must have no more than one lineal unit between beginning and ending points for each 20,000 units of the traverse distance (that is, a closure of one foot in 20,000 feet or better. (12779 §10 7/15/87)
- (b) Location, elevation, and description of all monuments in reference to existing monuments or landmarks or the nearest established street line, including true angles and distances to such reference points or monuments. (12779 §10 7/15/87)
- (c) The name, cartway and right-of-way width, and accurate location of all existing and proposed streets, within and adjacent to the proposed land development.

- (d) Whenever a developer proposes to establish a street or streets which shall not be offered for public dedication; such street must fully conform to City specifications. (12779 §10 7/15/87)
  - (e) Building setback lines along each street, with dimensions showing setback for the street right-of-way. (12779 §10 7/15/87)
  - (f) Name of record owner and all adjoining property owners. (12779 §10 7/15/87)
  - (g) Blocks and lots must be properly dimensioned and numbered. (12779 §10 7/15/87)
  - (h) A statement of the intended use of all nonresidential lots. (12779 §10 7/15/87)
  - (i) A statement of such current or previously imposed deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale. (12779 §10 7/15/87)
  - (j) All easements or rights-of-way where provided for or owned by public utilities or services and any limitations on such easements or rights-of-way. (12779 §10 7/15/87)
  - (k) Location, size, and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets, and catch basins, other appurtenances and detention facilities and Best Management Practice (BMP) devices (when required by the City Engineer). (12779 §10 7/15/87)
  - (l) Existing and proposed contours at 5-foot intervals on slopes averaging 10% or greater, at 2-foot intervals for land of 3% to 10% and one-foot intervals for land of less than 3%. All contour elevations must be based on city data. Existing contours should be represented by dashed lines, proposed contours should be solid lines, Heavier solid lines should be at 10-foot intervals. (12779 §10 7/15/87)
  - (m) Existing zoning regulations, including zone designations, requirements for lot sizes and front yards, and any zoning boundary lines traversing the proposed development. (12779 §10 7/15/87)
  - (n) Any changes in existing zoning requested by the developer. (12779 §1a 7/15/87)
  - (o) Sufficient data where the proposed land development lies partially or completely in a certified flood plain area, or where the proposed land development borders on a flood plain area. In this event, the final plan must delineate the FEMA-mapped 100-year floodplain boundaries and include detailed information giving the final location and elevation of proposed roads, public utilities and building sites. All such plans must show contours at intervals of 2 or 5 feet, depending on the slope of the land, and must identify accurately the boundaries of the flood-prone area. Additionally, information must be submitted concerning the 100-year flood elevations, proposed lots and sites, fills, flood or erosion protective measures, and areas subject to special deed restriction. All development encroaching into the FEMA-mapped 100-year floodplain must comply with the Flood Control Ordinance and obtain a floodplain development permit. (12779 §1 a 7/15/87)
  - (p) On the basis of standards promulgated by the Pennsylvania Department of Environmental Protection, the developer must submit, as part of the final plan, final computations of the average daily quantity and quality of the sanitary sewage flow. Additionally, the developer must submit data indicating the ability of the sanitary sewage system to accommodate discharge from the development to the City treatment plant. (12779 §10 7/15/87)
  - (q) Landscape Plans. In final form, in accordance with the standards promulgated in the prevailing Chapter 597 Trees, Article I Shade Trees. (12779 §10 7/15/87)
  - (r) A house numbering plan in accordance with the plans on file in the Office of the City Engineer. (12779 § 10 7/15/87)
  - (s) Delineate city boundary lines where the development is adjacent to or divided by the City Line. (12779 § 1 a 7/15/87)
- (4) Engineering Drawings.** The engineering drawings, in the final form, which must be submitted on supplementary sheets are:
- (a) Typical street cross-section drawing for all proposed streets. (12779 §1 a 7/15/87)
  - (b) Existing and proposed grades must be shown along curb lines of all existing and proposed streets at a scale of one (1") inch equals one hundred (100') feet. (12779 §1 0 7/15/87)
  - (c) Profiles along both rights-of-way lines and along the center line of each street. Such profiles must include the location of all street trees and street signs, all existing and proposed sanitary sewer mains, inlets, manholes and catch basins, and the exact location and size of all underground and overhead utilities and structures. (12779 §1 0 7/15/87)
  - (d) Surface drainage facilities for the tract to be developed must be sized to accommodate potential flows generated within the watershed. Plans must include final storm water runoff calculations for said

area, and the proposed method for accommodating anticipated runoff. (12779 §10 7/15/87)

- (e) Design of bridges, catch basins, storm sewers, curbs, paving, crossovers, water mains, sanitary sewers, etc. where provided. (12779 §10 7/15/87)
- (f) Before signing the final record plan, a grade plan mylar (or equivalent material) drawn to scale of one inch equals 100 feet must be approved by the City Engineer and recorded in that office. (12779 §10 7/15/87)
- (5) **Certifications.** The following certifications must be inscribed and signed on the final plan:
  - (a) Certification of Ownership of Record and Dedication. (12779 §10 7/15/87)
  - (b) Surveyor's Certification. (12779 §1 07/15/87)
  - (c) Certification of Planning Commission Approval. (12779 §1 0 7/15/87)
  - (d) Certification of Other Affected Municipality (if necessary). (12779 §10 7/15/87)
  - (e) Certification of Review by the Lehigh Valley Planning Commission. (12779 §1 07/15/87)
  - (f) Proof of Recording. (12779 §10 7/15/87)
  - (g) Certification of City Engineer. (12779 §10 7/15/87)
  - (h) Notarized Signature. (12779 §10 7/15/87)

### **350-35 Final Plan Minor Subdivision**

#### **350-35.A FORMAT**

The final plan of a proposed minor subdivision must be clearly and legibly drawn to scale with sheet sizes not to exceed 24 by 36 inches except where special approval is obtained from the City Engineer. Reproducible mylar (or equivalent material) shall be the only acceptable material as a base for the final plan. (12779 §11 7/15/87)

#### **350-35.B PLAN DETAIL**

The final plan must contain the following information:

- (1) **Title Block**
  - (a) The name of the development and the notation "Final Minor Subdivision Plan." (12779 §11 7/15/87)
  - (b) Name and address of the record owner of the tract, and the name, address, registration number and seal of the registered professional who prepared the plan pursuant to Section [350-34.C](#). (12779 §11 7/15/87)
  - (c) North point, graphic scale, written scale, and date; including month, date and year that the original drawing was completed, and the month, date and

year that the original drawing was revised, for each revision. (12779 §11 7/15/87)

- (d) The name of the municipality, the ward, and the tax map sheet, block and lot number corresponding to the development. (12779 §11 7/15/87)
- (2) Tract boundary lines, right-of-way lines of streets, street names, easements, existing and proposed and other rights-of-way, all lot lines, existing and proposed, with accurate dimensions, bearings, or deflection angles, radii arcs, and central angles of all curves must be referenced to the nearest intersecting public street. (12779 §11 7/15/87)
- (3) If a subdivision abuts a Pennsylvania Department of Transportation highway, the following note must be added to the plan: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), before driveway access to a State highway is permitted." (13014 §22 11/7/90)
- (4) The purpose of any easement or land reserved or dedicated to public use must be designated. (12779 §11 7/15/87)
- (5) Minimum front, side and rear building setback lines on each lot and on all other sites in the proposed subdivision. (12779 §11 7/15/87)
- (6) Location and description of all monuments. (12779 §11 7/15/87)
- (7) Names of adjoining landowners. (12779 §11 7/15/87)
- (8) Acreage of the tract to be subdivided to nearest tenth of an acre. (12779 §11 7/15/87)
- (9) Existing zoning must be noted on the plan. (12779 §11 7/15/87)
- (10) Existing and proposed surface drainage including contours. (12779 §11 7/15/87)
- (11) Existing and proposed water, sanitary sewer, storm sewer, curb, sidewalks, and streets abutting or required to serve property in question. (12779 §11 7/15/87)
- (12) Existing and proposed structures. (12779 §11 7/15/87)

### **350-36 As-Built Plans**

- (1) Upon completion of a land development or upon completion of an approval stage of sectionalized land development, the developer must prepare and submit a mylar (or equivalent material) copy of the as-built utilities plan of the land development, in final plan detail with appropriate computations of locations and dimensions of completed improvements. The submission of the as-built utilities plan is a prerequisite to final city inspection of the site, and as prerequisite to the developer's release from security. The developer must pay all city inspection

fees incurred which must be included as part of the land development agreement. (12369 §1 7/18/79)

- (2)** The as-built plans and profiles must be prepared and submitted in an AUTOCAD format version suitable to the city and in accordance with the following survey datums. The horizontal control must be prepared based upon the 1983 Horizontal State Plane Coordinates System. The vertical control must be based upon the NAVD 1988 Vertical Control Datum. The as-built plans must be sealed by a registered surveyor or engineer registered in the state of Pennsylvania. Boundary surveys may only be sealed by a registered surveyor in the Commonwealth of Pennsylvania.
- (3)** The following additional information must be included in tabular form on the as-built plans:
  - (a)** BMP Type;
  - (b)** Drainage Area (DA) in acres to BMP, Impervious DA to BMP in percentage or acres;
  - (c)** Coordinates (Latitude and Longitude);
  - (d)** NPDES Permit Number (if applicable);
  - (e)** Date Installed;
  - (f)** Receiving Stream;
  - (g)** Annual Pollutant Load Reductions in lbs/yr for Sediment (TSS);
  - (h)** Nitrogen (TN); and
  - (i)** Phosphorus (TP), if applicable.



ARTICLE 5 PROCEDURES

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350-38 Sketch Plan ..... 5-3

350-39 Preliminary Plans ..... 5-3

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### **350-37 Common Procedures**

#### **350-37.A MUNICIPALITIES PLANNING CODE**

The review and approval procedures of this ordinance are intended to comply with the provisions of the Pennsylvania Municipalities Planning Code (MPC). If any provision of this ordinance is in conflict with any provision of the MPC or if this ordinance fails to incorporate a provision required for implementation of the MPC, provisions of the MPC govern.

#### **350-37.B REQUIRED APPROVAL**

Whenever any development or subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed development is granted, the owner, or the owner's authorized agent, must apply for and secure approval of such proposed development in accordance with the provisions of this ordinance. (13014 §3 11/7/90)

#### **350-37.C PLANS**

- (1) Plans required under this ordinance must be prepared by a registered professional engineer, registered surveyor or architect except for final utility plans, which must be prepared by a registered professional engineer, unless this requirement is waived by the City Engineer for minor extensions.
- (2) Surveys must be certified by a person duly authorized to do so by the Commonwealth of Pennsylvania.
- (3) Plans must be prepared by professionals in digital format and in accordance with the following survey datums. The horizontal control must be prepared based upon the NAD83 Horizontal State Plane Coordinates System. The vertical control must be based upon the NAVD 1988 Vertical Control Datum. Control Points may be provided by the city upon request from the developer. (12779 §3 7/15/87)

#### **350-37.D PREAPPLICATION MEETINGS**

Before submitting a plan for a land development, the applicant is strongly encouraged to schedule a preapplication meeting with the Planning Director, the City Engineer, and all other interested parties to discuss the procedure for approval and the subdivision and land development ordinance design and improvement requirements. (12779 §3 7/15/87)

#### **350-37.E ELECTRONIC PLAN SUBMITTAL**

Unless otherwise expressly approved by the Planning Director, all plans for review under this ordinance must be submitted through the city's electronic plan review portal.

#### **350-37.F COMPLETE APPLICATIONS**

- (1) **Form of Application.** Applications and plans required under this ordinance must be submitted in a form and in

such numbers as required by the official responsible for accepting the application.

- (2) **Fees and Notification Costs.** All applications filed by property owners must be accompanied by the required application fee and public notice fees.
- (3) **Completeness, Accuracy and Sufficiency**
  - (a) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by required application filing and public notice fees.
  - (b) Officials responsible for accepting applications must make a determination of application completeness within 10 business days of the date that an application is filed.
  - (c) If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail, or first-class mail.
  - (d) No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within 90 days, the application will be deemed to have been withdrawn.
  - (e) Applications deemed complete will be placed in the first available application processing cycle and will be reviewed by staff and other review and decision-making bodies, in accordance with the applicable review and approval procedures of this ordinance.
  - (f) The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if the official determines that:
    - [1] The application or plan contains one or more significant inaccuracies or omissions that will hinder timely or competent evaluation of the plan's/application's compliance with ordinance requirements or other regulations; or
    - [2] The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's or application's compliance with ordinance requirements or other regulations.

## 350-38 Sketch Plan

### 350-38.A APPLICABILITY AND PROCEDURE

Sketch plans are encouraged but not required for all subdivisions and land developments. Sketch plans are reviewed by the Planning Director and City Engineer and may be referred to the Planning Commission for review. Applicants submitting sketch plans for major land developments or major subdivisions must submit one set of required submittal documents (see 350-29) to the Lehigh Valley Planning Commission.

### 350-38.B SKETCH PLAN REQUIREMENTS

All sketch plan applications must:

- (1) Be made on forms available at the Office of the Planning Director together with the required application fee, as established in Chapter 270 of the municipal code.
- (2) Include all contiguous lands under the same ownership, with an indication of the portion that is to be developed or subdivided, accompanied by a deed indicating ownership. (12779 §4 7/15/87)
- (3) Be accompanied by a sketch plan in such format and numbers as established administratively.
- (4) See also the sketch plan submittal requirements of [350-32](#).

### 350-38.C EFFECT OF SKETCH PLAN REVIEW

Voluntary submission of a sketch plan does not constitute a formal filing for land development/subdivision approval. Sketch plans and comments provided during the sketch plan review process are not binding on the applicant or the city.

## 350-39 Preliminary Plans

### 350-39.A APPLICABILITY

A preliminary plan is mandatory for all major land developments and all major subdivisions. Developers of minor subdivisions and minor and developments may proceed directly to final plan stage of the approval process, with no preliminary plan approval required. However, all plan details required for preliminary plans are still required.

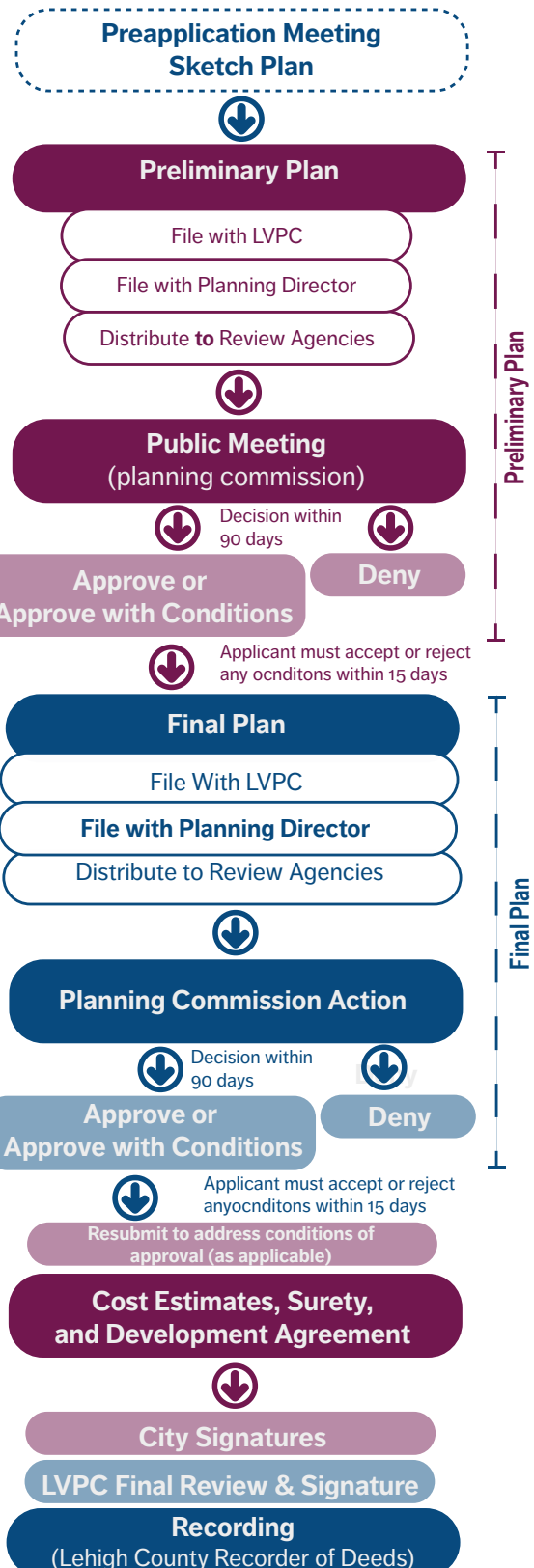
### 350-39.B CONCURRENT PROCESSING OF PRELIMINARY AND FINAL PLANS

At the election of the applicant, an application for a combined preliminary/final plan approval may be made. In such an instance, the application will be reviewed pursuant to both the preliminary and final plan requirements contained in this ordinance. (15001 §3 6/20/12)

### 350-39.C APPLICATION PROCEDURE AND REQUIREMENTS

Following review of a sketch plan, if submitted, the applicant must file an application for approval of a preliminary plan in such format and numbers as established administratively.

## Major Subdivision/Land Development Process



The application must:

- (1) Be made on forms available at the Office of the Planning Director together with the required application fee, as established in Chapter 270 of the municipal code.
- (2) Include copies of the current recorded deed of record pertaining to any existing easements. Include copies of the deed of the subject property and adjoining properties.
- (3) Be presented to the Planning Director at least 30 calendar days before the date of the Planning Commission meeting at which the preliminary plan is to be considered. (12779 §5 7/15/87)
- (4) See also the preliminary plan submittal requirements of [350-33](#).

#### 350-39.D OFFICIAL SUBMISSION

Preliminary plans must be submitted to the Lehigh Valley Planning Commission before submittal to the Planning Director. The submittal of an application for preliminary plan approval to the planning director, when dated and signed by the owner and the Planning Director constitutes official submission of the preliminary plan to the city. (12779 §5 7/15/87)

#### 350-39.E REVIEW

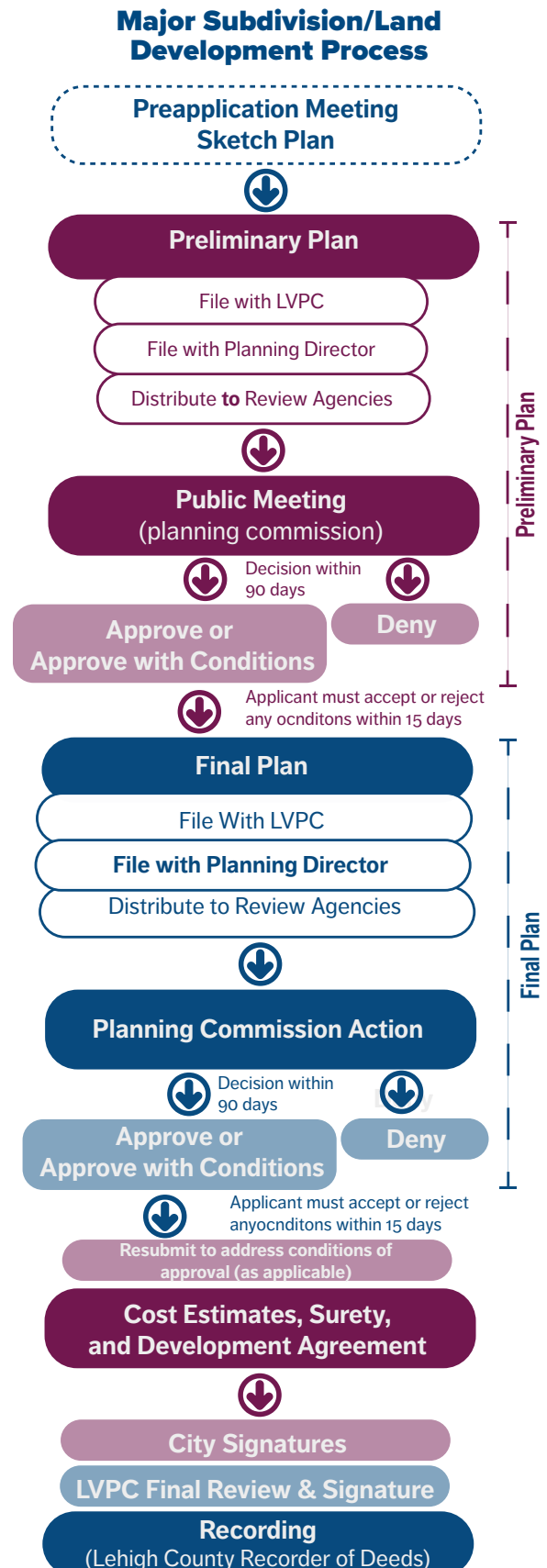
Preliminary plans, or appropriate portions thereof, must be forwarded to appropriate officials or agencies of the local government, adjoining counties or municipalities, school or special districts, transportation authority (LANTA) and other official bodies as deemed necessary by the Planning Director or as mandated by law, including any review required by regional, state, or federal bodies under applicable state or federal law. All officials and agencies, to whom a request for a review has been made, must submit their report to the Planning Bureau within 20 days after receipt of the request, except the County Planning agency which must submit their report within 30 days. (12779 §5 7/15/87; 13014 §5 11/7/90)

#### 350-39.F PUBLIC MEETING

The Planning Commission must hold a public meeting on the preliminary plan.

#### 350-39.G DECISION TIME-FRAME

The Planning Commission must render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission after the date the preliminary plan application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, the 90-day period is measured from the 30th day following the day that a complete application was filed. (13014 §5 11/7/90)



**350-39.H NOTIFICATION**

The Planning Commission's decision, including any conditions of approval, must be relayed to the developer within 15 days after the date of the regular meeting of the Planning Commission at which public testimony is closed. (13014 §5 11/7/90)

**350-39.I EFFECTIVE PERIOD OF PRELIMINARY PLAN APPROVAL**

- (1) An approved preliminary plan is effective for a period of 6 months following the date that the Planning Commission's decision is provided to the applicant, at the end of which time application for final plan approval must have been submitted. Such applications must be made within 6 months after approval of the preliminary plan.
- (2) Otherwise, unless an extension of time (not exceeding an additional 6 months) is applied for and granted in writing by the Planning Commission, the preliminary plan approval becomes null and void. (12779 §5 7/15/87)

**350-39.J EFFECTS OF CHANGES IN GOVERNING REGULATIONS**

When an application for approval of a preliminary or final plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance, or plan may be applied that would adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years of the date of such approval. When final approval is preceded by preliminary approval, the 5-year period is counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms must be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. However, if an application is properly and finally denied, any subsequent application is subject to all intervening changes in governing regulations. (12779 §5 7/15/87)

**350-39.K REFERENCE TO AND CONFORMANCE WITH RELATED ORDINANCES AND STANDARDS**

In addition to required conformance with regulations promulgated in existing ordinance, the developer must take cognizance of, and comply with the following related ordinances, standards, and land development regulations by various governing agencies and must obtain applicable approvals and permits for each before submitting the final plans for the city's authorized representatives' signature and acceptance of the plan for recording:

- (1) Land Development Controls ordinance (12009 3/21/73 as amended)

- (2) Streets and Sidewalk ordinance (12484 12/21/81 as amended)
- (3) Chapter 597 Trees, Article I Shade Trees (12241 4/6/77 as amended)
- (4) Flood Control ordinance (125074/21/82; 12779 §5 7/15/87, 13314/12/7/94; 15789 2/16/22, as amended)
- (5) Stormwater Management ordinance (1388 5/18/05; 13812 1/5/00)
- (6) Act 167 Stormwater Management ordinance (Bill No. 18-2007, as amended)
- (7) Americans with Disabilities Act ADA access standards for curb, sidewalk, handicap ramps, parking areas, signage, and building access.
- (8) All federal, state, county laws and regulations governing land development and earth disturbance including but not limited to the USACOE, PA-DEP, PENNDOT, LCCD permits as administered by each governmental agency.
- (9) Standards, specifications, and details of the Engineering Department.
- (10) Lehigh County Authority regulations and standards.

**350-39.L CONDITIONAL APPROVALS**

If the Planning Commission approves a preliminary plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within 15 days of the date that notification of the Planning Commission's action was provided to the applicant. See also [350-39.H](#). If the applicant fails to provide written acceptance of the conditional plan approval or if the applicant rejects any attached conditions, the plan approval shall be rescinded automatically without further action of the Planning Commission and the preliminary plan application shall be deemed denied.

**350-40 Final Plans**

**350-40.A APPLICATION PROCEDURE AND REQUIREMENTS**

Upon completion of modifications required by any outstanding requirements of the Planning Commission or applicable city staff, the developer may apply for approval of the final plan. The application must be filed in duplicate and must:

- (1) Be made on forms available at the Office of the Planning Director together with the required application fee, as established in Chapter 270 of the municipal code.
- (2) Include the entire development, or section thereof, which derives access from an existing state, county and/or city highway. (12779 §6 7/15/87)

- (3) Comply in all respects with the preliminary plan as approved. (12779 §6 7/15/87)
- (4) Be accompanied by all formal, irrevocable offers of dedication to the public of all streets, utilities, parks, and easements on the land development agreement approved by the City Solicitor; and the final plan must be marked with a notation indicating dedications. (12779 §6 7/15/87)
- (5) See also the final plan submittal requirements of [350-34](#).

#### 350-40.B SUBMISSION OF PLANS

All plans for final subdivisions and land developments must be complete with supporting documentation and must be submitted at least 30 calendar days before the Planning Commission meeting at which such plan are to be considered.

#### 350-40.C CONCURRENT PROCESSING OF PRELIMINARY AND FINAL PLANS

At the election of the applicant, an application for a combined preliminary/final plan approval may be made. In such an instance, the application will be reviewed pursuant to both the preliminary and final plan requirements contained in this ordinance. (15001 §3 6/20/12)

#### 350-40.D REVIEW

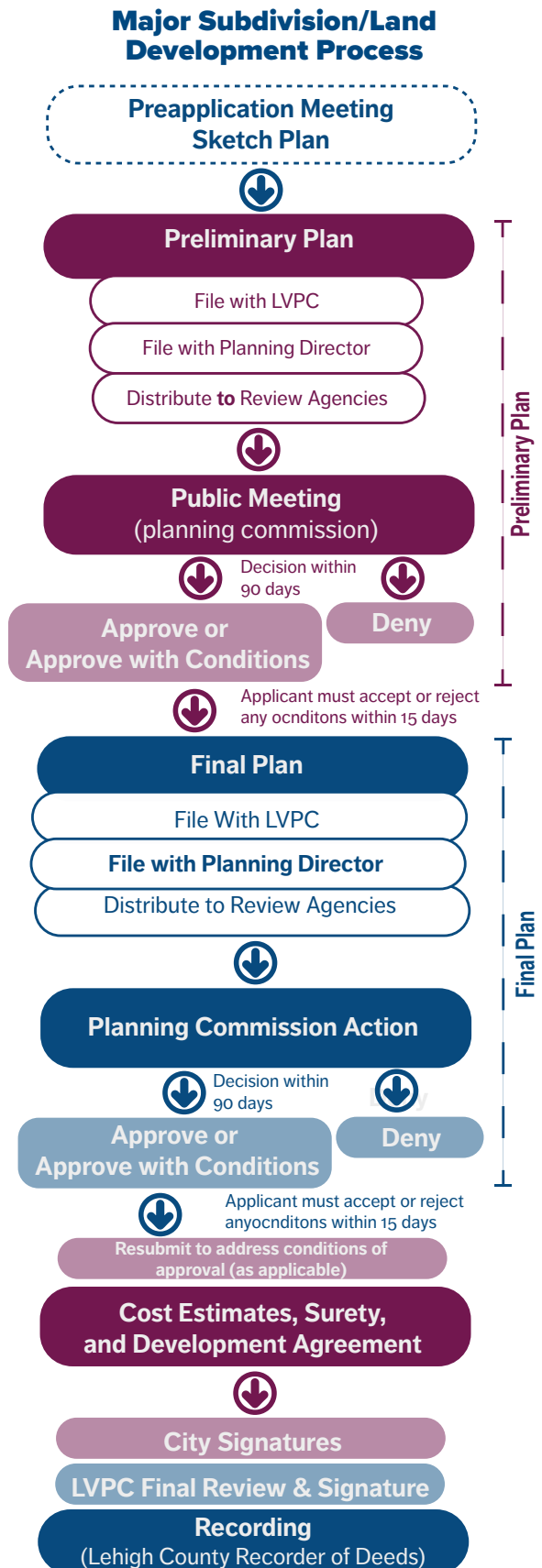
When a final plan has been accepted as complete by the Planning Bureau, the Planning Director must cause its inclusion on the agenda of the Planning Commission and its distribution for review by the City Engineer and other relevant individuals and agencies. (12779 §6 7/15/87)

#### 350-40.E PLANNING COMMISSION ACTION

- (1) After completion of the review procedures required by this ordinance, the Planning Commission must approve, conditionally approve, or deny approval of the final plan within 90 days following official submission of the final plan at its regular meeting. The Planning Commission must render its decision and communicate it to the applicant no later than 90 days following the date of the regular meeting of the Planning Commission following the date the final plan application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, the 90-day period is measured from the 30th day following the day that a complete application was filed.
- (2) The decision of the Planning Commission shall be relayed to the developer within 15 days after the decision is rendered.
- (3) Conditioned final approval is subject to the requirements of [350-39.L](#). (13014 § 1 6 11/7/90)

#### 350-40.F APPEALS

Appeals of the Planning Commission's decision on a final plan must be taken to the Court of Common Pleas, in



accordance with the Municipalities Planning Code.

**350-40.G DEVELOPER'S OBLIGATIONS**

Upon final approval of the Land Development by the Planning Commission, the developer/owner must submit final cost estimates prepared by a professional engineer for review and approval by the city indicating those improvements shown on the final land development plan and to be installed by the developer. The cost estimates must include but are not limited to the following:

- (1) Monuments and Markers.** Monuments and markers must be placed by a registered professional pursuant to [350-6.B](#) so that scored or marked point must coincide exactly with the intersection of lines to be marked and must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. (12779 §6 7/15/87)
- (2) Streets.** Streets and alleys must be graded, surfaced and improved to the dimensions required by the cross-sections and the work must be performed in the manner prescribed in the standard specifications for road construction of the City Bureau of Engineering. (12779 §6 7/15/87)
- (3) Curbs.** Curbs must be installed along both sides of the street. Curb size and material must comply with the specifications of the City Bureau of Engineering. The City Engineer may waive the requirement of curbs for public or private alleys pursuant to the provisions of the Streets and Sidewalks ordinance or by approval of the Curb Appeals Committee pursuant to §545-16 of the Streets and Sidewalks ordinance. (12779 §6 7/15/87)
- (4) Sidewalks**
  - (a)** Sidewalks with a minimum width of 5 feet must be installed on both sides of all streets except that when previously agreed upon, sidewalks must be installed on only one side of marginal access streets, and no sidewalk is required along service streets.
  - (b)** Wherever sidewalks are required, curbs are also required. The Planning Commission may waive sidewalk requirements and the City Engineer may waive the requirements of sidewalks for public or private alleys pursuant to the provisions of the Streets and Sidewalks ordinance. (12779 §6 7/15/87)
- (5) Water.** The developer must provide the land development with a complete water main supply system which must be connected to the city water supply. The plans for the installation of a water main system must be prepared by the subdivider in cooperation with the City Bureau of Engineering. (12779 §6 7/15/87)
- (6) Fire Hydrants.** Whenever a City or private water supply system is provided, fire hydrants must be installed in accordance with applicable city standards. (12779 §6 7/15/87)
- (7) Sanitary Sewers.** The developer must provide the land development with a complete sanitary sewer system to be connected to the city sanitary sewer system as specified by the City Engineer. Sanitary lines greater than 4 inches in diameter and manholes on private property must be included as part of the cost estimate for land development. The plans for the installation of a sanitary sewer system must be prepared by the developer and approved by the City Engineer as well as the Pennsylvania State Department of Environmental Protection. (12779 §6 7/15/87)
- (8) Storm Sewers.** The developer must provide the land development with an adequate storm water sewer system which may require detention and Best Management Practices (BMP's) and must be connected to an outlet approved by the City Engineer. All stormwater facilities, including those on private property must be included in the cost estimate for land development. (12779 §6 7/15/87)
- (9) Landscaping and Shade Trees.** A landscape plan must be prepared in accordance with the standards and specifications of [350-14](#), the Zoning Ordinance, and the Chapter 597 Trees, Article I Shade Trees. (12779 §6 7/15/87)
- (10) Traffic Signs.** Street name signs must be approved by the Traffic Control Superintendent. (12779 §6 7/15/87)
- (11) Contingency Fee.** A contingency fee of 10% of the total cost of all improvements must be included in the cost estimates. (12779 §67/15/87)
- (12) Inspection.** The cost of all City inspections must be calculated at 5% of the actual cost to the developer of the improvements required by the city and must be paid directly to the city. (13014 §6 11/7/90)
- (13) Street Lights.** In cooperation with the Pennsylvania Power and Light Company and the City, a street lighting plan must be prepared for the developer before final plan approval. Operating costs for a 3-year period must be deposited by the developer with the city. (12779 §6 7/15/87)
- (14) As-Built Plans.** The developer is required to furnish as-built plans to the city. In order to assure the city that such plans are submitted, the cost of security of the as-built plan and profile surveys must be calculated as 2% of the actual cost to the developer of improvements required by the city and must be held as security until the as-built plans have been submitted in a format



acceptable to the City Surveyor. See also the as-built plan submittal requirements of [350-36](#). (12779 §6 7/15/87)

#### **350-40.H SECURITY**

Upon approval of the cost estimates by the city, the developer must furnish security in an amount equal to the approved cost estimate and in a form satisfactory to the City Solicitor. (12779 §6 7/15/87)

#### **350-40.I LAND DEVELOPMENT AGREEMENT**

A land development agreement must be prepared and executed by the developer and the city. The land development agreement must include but not be limited to the following:

- (1) Final plan;
- (2) Development Improvements Plan (color coded with legend);
- (3) Approved Cost Estimates, which must include 10% construction cost contingency, 5% inspection fee and 2% AUTOCAD as-built fee;
- (4) Accepted security and prorated maintenance fees to cover maintenance of BMP's and detention facilities, where applicable;
- (5) Landscape plan; and
- (6) Erosion, sedimentation and control plan in accordance with Land Development Controls ordinance No. 12009, March 31, 1973. (12779 §77/15/87)

#### **350-40.J SIGNING AND RECORDING**

- (1) The approval of a final plan by the Planning Commission is conditioned upon the developer entering into a land subdivision agreement and providing security as set forth above. Upon completion of said conditions by the developer, the appropriate certifications and signatures must be affixed. (13014 §6 11/7/90)
- (2) A recorded plan from the endorsed original ink tracing of the land development must be filed with the Lehigh County Recorder of Deeds Office, for all land developments involving the subdivision of land, and such other land development as may be required by the Planning Director. (12779 §6 7/15/87)
- (3) A reproducible mylar (or equivalent material) drawn to scale approved by the City Engineer of a size approved by the Recorder of Deeds Office and the final plan, containing deed, book, volume and page numbers or docket ID number and signature of the County Recorder of Deeds must be returned to the Planning Director. (12779 §6 7/15/87)
- (4) The approved final plan must be made part of the land development agreement. No building permit may be issued until the land development agreement has been

approved and signed by the developer and appropriate city officials. (12779 §6 7/15/87)

- (5) Failure to record the final plan and return copies to the Planning Director as specified above within 90 days after plan approval with all appropriate signatures affixed will cause the action of the Planning Commission to become null and void. (12779 §6 7/15/87)
- (6) If, following the signing of the land development agreement either the developer or owner changes, or if part of the property changes hands, the conditions of the original signed agreement remain in force and still govern. If, however, the new developer or owner wishes to change the plans, they must reapply to the Planning Commission for approval within 60 days of the transfer. (12779 §6 7/15/87)

#### **350-40.K SECTIONALIZING PLANS**

Before granting final approval of a land development plan, the Planning Commission may permit the plan to be divided into 2 or more sections and may impose such conditions as it may deem necessary to assure the orderly development of the approved plan. In the event of approval of sectionalizing, each section must be recorded with the Lehigh County Recorder of Deeds in accordance with [350-40.J](#). The development of each section of the plan requires a separate land development agreement and necessary security to be approved by the city. (12779 §6 7/15/87)

#### **350-40.L AMENDMENTS TO APPROVED FINAL PLANS**

##### **(1) Minor Administrative Changes.**

- (a) The Planning Director and City Engineer are authorized to approve technical and minor changes to approved final plans without the payment of fees or restarting the approval process if the Planning Director and City Engineer determine that the proposed change:

- [1] Is in substantial compliance with the approved final plan; and
- [2] Is not classified as a Major Planning Commission Change in accordance with [350-40.L\(2\)](#).

- (b) The Planning Director and City Engineer are also authorized to defer action on a proposed minor change and instead refer the requested change to the Planning Commission for consideration as a Major Planning Commission Change in accordance with [350-40.L\(2\)](#).

- (2) **Major Planning Commission Changes.** The Planning Commission is authorized to approve proposed changes to approved final plans without the payment of fees or

**350-41 Completion of Improvements or Guarantee**

restarting the approval process if they determine that the proposed change:

- (a) Is in substantial compliance with the approved final plan; and
- (b) Would not result in any of the following:
  - [1] An increase the number of lots or dwelling units on the site by more than 33%;
  - [2] A decrease in the number of dwelling units on the site by more than 15%;
  - [3] An increase in the amount (floor area) of nonresidential development that affects the overall character of the project.
  - [4] An increase in building heights by more than 33% within an MX-D or GX-D zone or more than 2 stories in any other zone;
  - [5] A decrease in building height by more than 33% (as measured in stories);
  - [6] A decrease in the amount of approved open space by more than 15%;
  - [7] A material alteration of drainage, streets, or other engineering design;
  - [8] An adverse impact on stormwater quality or an increase in stormwater quantity (volume);
  - [9] A significant increase in demand for services (e.g., utilities, drainage, schools, traffic control, streets, etc.) that would interfere with the ability to maintain existing service levels; or
  - [10] Significant adverse impacts on the surrounding properties or the city at large.

**350-40.M EXPIRATION OF FINAL APPROVAL**

- (1) All approved final plans must be completed, including the provision of financial security for improvements and the filing and recording of the final approved plan within 5 years of the Planning Commission's approval date. (13014 §16 11/7/90)
- (2) The Planning Director is authorized to approve one or more extensions of the 5-year time-frame provided that the total cumulative period of extension does not exceed 90 days.
- (3) The Planning Commission is authorized to approve one or more extensions of the 5-year time-frame provided that the total cumulative period of extension does not exceed 2 years.
- (4) All requests for extensions must be submitted in writing before expiration of final plan approval and include substantial evidence demonstrating compliance with one or more of the following criteria:

- (a) The applicant's reasonable efforts to record the land development and actions taken to secure other approvals required from other permitting authorities to allow for recording of the land development plan;
  - (b) Identification of substantial expenditures made or substantial obligations incurred in reliance on the approval or conditional approval and in furtherance of the proposed development; or
  - (c) A Force Majeure, Act of God or extreme economic market conditions (rather than acts of omission by the applicant or owner) caused the need for a time extension.
- (5) Approved extensions may be subject to reasonable conditions.

**350-41 Completion of Improvements or Guarantee****350-41.A GENERAL**

- (1) No plat may receive final approval unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other required improvements have been installed in accordance with this ordinance.
- (2) In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required under this ordinance, the developer or subdivider must deposit with the city a financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings which may be required.

**350-41.B FINANCIAL SECURITY**

- (1) Without limiting other types of financial security that the city may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions are deemed to be acceptable financial security. If multiple sources of security are used, the improvements covered by each security must be defined in the cost estimates.
- (2) Subject to the exception for other types of financial security identified in Section (1) above, financial security must be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by

the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

- (3) The security must provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- (4) The amount of financial security to be posted for the completion of the required improvements must be equal to at least 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the city may adjust the amount of the financial security comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the city may require the developer to post additional security in order to assure that the financial security equals at least 110%. Any additional security must be posted by the developer in accordance with this subsection.
- (5) The amount of financial security required must be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth and certified by the engineer to be a fair and reasonable estimate of such cost. The City Engineer may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate must be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the city and the applicant or developer. The estimate certified by the third engineer will be presumed fair and reasonable and constitute the final estimate. If a third engineer is so chosen, fees for the services of the third engineer must be paid equally by the city and the applicant or developer.
- (6) If the applicant posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the

preceding one-year period by using the above bidding procedure.

- (7) If development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- (8) As the work of installing the required improvements proceeds, the applicant posting the financial security may request the release, from time to time, of portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests must be in writing addressed to the City Engineer. The City Engineer has 45 days from the receipt of such request within which to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the City Engineer must authorize release by the bonding company or lending institution of an amount as estimated to fairly represent the value of the improvements completed. The development agreement may, before final release at the time of completion and certification by the City Engineer, specify the retention of 10% of the estimated cost of the improvements.
- (9) When the City Engineer accepts dedication of all or some of the required improvements following completion, the developer is required to post a financial guarantee to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. The financial security must be of the same type as otherwise required in this section with regard to installation of improvements, and the amount of the financial security must be at least 10% of the actual cost of installation of said improvements.

## **350-42 Release from Improvement**

### **350-42.A DEVELOPER REQUEST**

When the developer has completed all of the necessary and appropriate improvements, the developer must notify the City Engineer, in writing, by certified or registered mail, of the completion of the improvements.

### **350-42.B CITY ENGINEER'S ACTION**

- (1) Upon receipt of the developer's request for release, the City Engineer must file a report, in writing, with the Planning Commission, and must promptly mail a copy of the same to the developer by certified mail. The

**350-43 Remedies to Effect Completion of Improvements**

report must be made and mailed within 30 days after receipt of the developer's request. The report must be detailed and must indicate approval or rejection of the improvements, either in whole or in part, and if the improvements, or any portion thereof, are not approved or are rejected by the City Engineer, the report must contain a statement of reasons for such non-approval or rejection.

- (2) The City Engineer must provide a written determination to the developer within 45 days of receipt of the developer's request.
- (3) If any portion of the said improvements is not approved or is rejected by the City Engineer, the developer must proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, must be followed.
- (4) Nothing herein, however, is intended to limit the developer's right to contest or question by legal proceedings or otherwise, any determination of the City Engineer. (13014 §1911/7/90)

### **350-43 Remedies to Effect Completion of Improvements**

If any required improvements have not been installed as provided in this ordinance or in accordance with the approved final plat, the city is authorized to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the security, the city may, at its option install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, must be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose. (13014 §11/7/90)

### **350-44 Minor Subdivision/Land Development**

#### **350-44.A APPLICATION PROCEDURE**

A minor subdivision or minor land development (as defined in [Article 6](#)) may be submitted as a final plan and must comply with the requirements of this ordinance, including all application and final plan details for the subject minor land development or minor subdivision and any necessary supporting documentation, and procedures for signing and recording, provided that minor land development plans are not required to be recorded unless so directed by the Planning Director. Each submission must be accompanied

by a development plan in such format and numbers as established administratively. See also the minor subdivision plan submittal requirements of [350-35](#) and the preliminary and final plan submittal requirements of [350-33](#) and [350-34](#) (for minor land developments). One set of minor subdivision plan or minor land development plan submittal documents must be submitted to the Lehigh Valley Planning Commission before submittal to the Planning Director. Any review comments must be provided to the Planning Director within 30 days of receipt by the LVPC.

#### **350-44.B PLANNING DIRECTOR ACTION**

- (1) The Planning Director is authorized to take final action to approve, approve with conditions, or deny approval of minor subdivision and minor land development plans. The Planning Director must render a decision and communicate it to the applicant no later than 90 days following receipt of a complete application. If the applicant chooses to resubmit a revised plan for consideration within 30 days of the Planning Director's decision, no re-application fee is required. Such resubmittal is not deemed to restart the plan approval process.
- (2) Minor subdivision plan and minor land development plan applications do not require action by Planning Commission unless so requested by the applicant, city staff or another review agency.
- (3) If approved by the City Engineer, Minor Subdivisions that do not require Minor Land Development approval may include a note on the plans indicating that required curbs, sidewalks, and street trees will be financially secured and installed at the time of the building permit for the principal structure.

#### **350-44.C LOT COMBINATIONS**

- (1) When the intent of the applicant is to combine 2 or more lots into one lot and when no new lot lines or easements or change to existing easements are proposed, the applicant may, in lieu of a minor subdivision plan, submit proposed lot changes, to the Planning Office for city review and approval. (13014 §17 11/7/90)
- (2) The applicant must record the deed within 90 days of written approval by the city. Failure to record the deed as specified above will cause the action of the planning director to become null and void. (13014 §1711/7/90)
- (3) Upon review of the proposed deed, the Planning Director, or other review agency, may require the applicant to submit a plan and comply with the procedure for minor subdivision review. (12779 §7 7/15/87)
- (4) The fee is the same as is charged for a minor subdivision. (12779 §7 7/15/87; 13014 §17 11/7/90)

#### 350-44.D FUTURE SUBDIVISION POTENTIAL

When lots are intended for or adaptable to further subdivision, or when a series of minor subdivisions are developed or proposed immediately adjacent to one another, the Planning Director, or other review agency, may require the developer to comply with major subdivision review procedures.

#### 350-44.E APPEALS

Appeals of the Planning Director's decision on a minor subdivision or minor land development must be taken to the Planning Commission where the minor subdivision or minor land development plan is to be considered as a new application for final plan approval.

### 350-45 Waivers and Modifications

#### 350-45.A AUTHORITY

- (1) Except as stated in paragraph (2), below, waivers or modifications associated with subdivisions and land developments require Planning Commission review and approval. The Planning Commission is also authorized to approve variances and exceptions to the Land Development Controls Ordinance (Chapter 355) if a Board of Appeals has not been established pursuant to § 355-23 of the city code.
- (2) The City Engineer is expressly authorized to approve waivers and modifications of the requirements of this ordinance and the Land Development Controls Ordinance (Chapter 355) for minor subdivisions and minor land developments. The City Engineer is also authorized to refer such waiver and modification requests to the Planning Commission for review and action.

#### 350-45.B PROCESS AND CRITERIA FOR APPROVAL

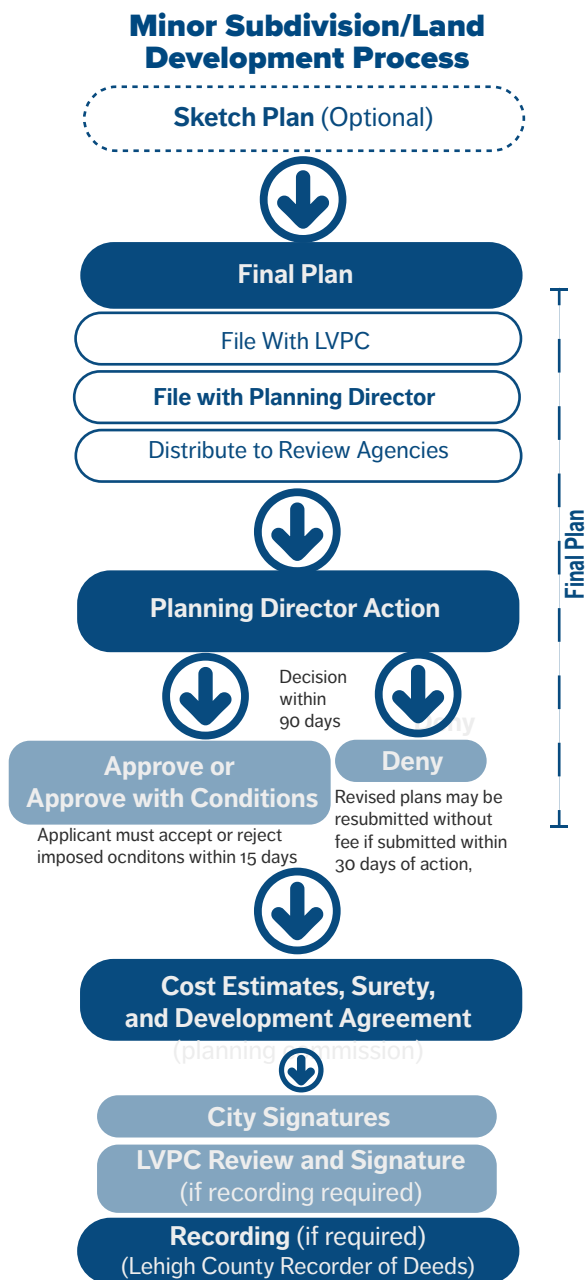
When, owing to special conditions pertaining to the land in question, a literal enforcement of any of the requirements of this ordinance would be unreasonable, would cause undue hardship or when the applicant demonstrates that an alternative compliance measure will provide equal or better results, the authorized decision-making body may make such reasonable exception to such requirement as will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for waivers or modifications must be provided in writing and be part of the application for subdivision or land development approval. In the request for a waiver or modification, the applicant must:

- (1) State the grounds and facts of unreasonableness or hardship on which the request is based or demonstrate that an alternative standard can provide equal or better results;
- (2) List the provisions of the ordinance involved; and

- (3) Specify the minimum waiver or modification necessary.

#### 350-45.C CONDITIONS

In granting waivers and modifications of the requirements of this ordinance or the Land Development Controls Ordinance (Chapter 355), the authorized decision-making body may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements as waived or modified. (12369 §1 7/18/79)



**350-46 Amendments** .....

For the purposes of providing for the public health, safety, and general welfare, City Council, may from time to time amend the provisions imposed by these subdivision and land development regulations in accordance with the procedures established by the Municipalities Planning Code. Public hearings on all proposed amendments must be held by City Council. (12369 §1 7/18/79)

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## 350-47 General

### 350-47.A MEANINGS AND INTENT

- (1) Words and terms expressly defined in this ordinance, have the specific meanings assigned unless the context indicates another meaning.
- (2) Words that are not expressly defined in this ordinance have the meaning assigned in the zoning ordinance or, if not defined in the zoning ordinance, in Merriam-Webster's Collegiate Dictionary.

### 350-47.B CONJUNCTIONS

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

- (1) "And" indicates that all connected items or provisions apply; and
- (2) "Or" indicates that the connected items or provisions may apply singularly or in combination.

### 350-47.C COMPUTATION OF TIME

- (1) All references to "days" are to calendar days unless otherwise expressly stated. Any references to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.
- (2) The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by city government, that day is excluded.
- (3) A day concludes at the close of business and any materials received by the city after that time will be considered to have been received the following day.

### 350-47.D TENSES AND USAGE

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words "shall," "will," and "must" are mandatory.
- (4) The phrase "may not" means that the subject act is prohibited.

### 350-47.E ABBREVIATIONS

Certain terms are sometimes abbreviated in this ordinance. Abbreviations have the meanings assigned in [Table 136-1](#).

**Table 136-1. Abbreviations**

ABBREVIATION	MEANING
ACPC	Allentown City Planning Commission
ADA	Americans with Disabilities Act
BFE	Base Flood Elevation
Ft.	Feet

**Table 136-1. Abbreviations**

In.	Inches
Max.	Maximum
LANTA	Lehigh and Northampton Transportation Authority
LVPC	Lehigh Valley Planning Commission
MPC	Municipalities Planning Code
Min.	Minimum
NPDES	National Pollutant Discharge Elimination System
PA-DEP	Pennsylvania Department of Environmental Protection
ROW	Right-of-way
Sq. Ft.	Square Feet

### 350-47.F VERSIONS AND CITATIONS

All references in this ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, ordinance requirements for compliance are no longer in effect.

### 350-47.G LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

### 350-47.H PUBLIC OFFICIALS AND AGENCIES

References in this ordinance to city officials, agencies, and staff are references to those of the City of Allentown.

## 350-48 Terms Beginning with "A"

**AGENT.** Any person who represents, or acts for or on behalf of a subdivider, or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a land development, except an attorney-at-law whose representation of another person consists solely of rendering legal services. (12779 §2 7/15/87)

**ALLEY (PUBLIC).** A minor right-of-way providing secondary access to the side or rear of one or more properties.

**ALLEY (PRIVATE).** A minor right-of-way providing secondary access to the side or rear of one or more properties.

**APPLICANT.** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. (13014 §2 11/7/90)

**APPLICATION (APPLICATION FOR APPROVAL).** Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. (13014 §2 11/7/90)

**AS BUILT PLANT.** A plan in final detail with appropriate computations of location and dimensions of completed improvements, final grades and building elevations. (12779 §2 7/15/87)

### 350-49 Terms Beginning with "B"

**BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, municipal boundary lines, or other easements or definite barriers. (12779 §2 7/15/87)

**BUILDING.** Any structure built for the support, shelter, enclosure of persons, animals, chattels, or moveable property of any kind and includes any structure. (12779 §2 7/15/87)

**BUILDING LINE.** A line that is a specified distance from, and generally parallel to, the street, right-of-way line or lines, upon which the lot abuts.

### 350-50 Terms Beginning with "C"

**CAPITAL IMPROVEMENTS PROGRAM.** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the City's annual operating expenses, for the purchase, construction, or replacement of the physical assets for the City are included. (12779 §2 7/15/87)

**CARTWAY.** That portion of a street between the curb faces/lines available for vehicular traffic. (12779 §2 7/15/87)

**CITY.** The City of Allentown, Pennsylvania. (12779 §2 7/15/87)

**CITY COUNCIL.** The City Council of Allentown, Pennsylvania. (12779 §2 7/15/87)

**CITY ENGINEER.** The engineer or the responsible representative as designated by the city consistent with the definition of "municipal engineer," as defined in the Pennsylvania Municipalities Planning Code.

**CROSSOVER, DRIVEWAY.** That portion of a sidewalk area that provides a transition between a street and a driveway for the purpose of providing ingress and/or egress to an adjacent property. (12779 §2 7/15/87)

### 350-51 Terms Beginning with "D"

**DEVELOPER.** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (13014 §2 11/7/90)

**DEVELOPMENT PLAN.** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance means the written and graphic materials referred to in this definition. (13014 §2 11/7/90)

### 350-52 Terms Beginning with "E"

**EASEMENT.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property. (12779 §2 7/15/87)

**ENGINEER, ARCHITECT AND SURVEYOR.** A person licensed to practice in the Commonwealth of Pennsylvania as a registered professional engineer, architect or registered surveyor. (12779 §2 7/15/87)

### 350-53 Terms Beginning with "F"

**FINAL PLAN.** The map or plan or record of a land development and any accompanying material, as described in these regulations. (12779 §2 7/15/87)

**FRONTAGE.** The width of a lot at the building setback line on a public street. (12779 §2 7/15/87)

### 350-54 Terms Beginning with "G"

**GRADE.** The inclination, with the horizontal, or of a road, unimproved land, etc., that is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance. (12779 §2 7/15/87)

**GRADE PLAN.** A map showing the horizontal and vertical geometry of existing and proposed curbs. (12779 §2 7/15/87)

### 350-55 Terms Beginning with "H"

RESERVED

### 350-56 Terms Beginning with "I"

**IMPROVED STREET.** An existing street that conforms to City's surface paving standards. (12779 §2 7/15/87)

**IMPROVEMENTS.** Physical changes made to the raw land and structures placed on or under the land in order to improve the land for certain specified uses. Typical improvements would include grading, paving, curbs, buildings, gutters, storm sewers, sanitary sewers, water works, street name signs, shade trees, sodding, seeding, and monuments. (12779 §2 7/15/87)

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A septic tank, seepage tile sewage disposal system, or other approved sewage disposal system. (12779 §2 7/15/87)

### 350-57 Terms Beginning with "J"

**JOINT OWNERSHIP.** Joint ownership among persons must be construed as the same owner; "constructive ownership" for the purpose of imposing land development regulations. (12779 §2 7/15/87)

### 350-58 Terms Beginning with "K"

RESERVED

### 350-59 Terms Beginning with "L"

#### LAND DEVELOPMENT

- (1) A subdivision of land. (12779 §2 7/15/87); or
- (2) The improvement of one lot or 2 or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (a) A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (3) This "land development" definition expressly excludes all of the following:
  - (a) The conversion of an existing single-household detached or semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium.
  - (b) The addition of an accessory building subordinate to an existing principal building.
  - (c) The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract of area used principally as a location for

permanent amusement structures or rides. This exclusion does not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by applicable authorities. (13014 §2 11/7/90)

**LAND DEVELOPMENT, MAJOR.** All land developments that do not meet the definition of a "minor land development."

**LAND DEVELOPMENT, MINOR.** A proposed single-lot, single-structure land development that will result in no more than 20,000 square feet of grading or land disturbance area or a net increase of no more than any of the following:

1. 25% of the existing gross floor area of all buildings on the site;
2. 15,000 square feet of gross floor area; or
3. 6 dwelling units.

**LOT.** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. (13014 §2 11/7/90)

**LOT, DOUBLE FRONTAGE.** A lot having its front and rear yards each abutting on a street as defined herein.

### 350-60 Terms Beginning with "M"

**MARKERS.** A metal pipe or pin of at least three-quarters (3/4") inch and at least thirty (30") inches in length, set at all points where lot line intersect curves, at all angles in property lines of lots and all other lot corners. (12779 §2 7/15/87)

**MASTER (OR COMPREHENSIVE) PLAN.** A comprehensive plan composed of the mapped and written proposals recommending the physical development of the city that has been duly adopted by the Planning Commission. (12779 §2 7/15/87)

**MONUMENT.** A stone or concrete monument with a flat top at least 4 inches in diameter or square containing a brass dowel (plug) that establishes a point of intersection that is at least 30 inches in length located at the intersections of all lines forming angles in the boundary of the land development or at the beginning and ending of all curves and street intersections along street property lines. (12779 §2 7/15/87)

### 350-61 Terms Beginning with "N"

RESERVED

### 350-62 Terms Beginning with "O"

**OFFICIAL MAP.** A map showing existing and proposed streets approved by the Planning Commission and adopted by City Council. Such a map is deemed to be conclusive with respect to the location, width, and size of the streets, public parks, and playgrounds. (12779 §2 7/15/87)

**OWNER.** Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land to be developed to commence and maintain proceeding to develop the same under these Regulations. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. (13014 §2 11/7/90)

**ORDINARY HIGH WATER MARK.** The line on a shoreline established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Per 33 CFR § 328.3(e) federal regulations.

### 350-63 Terms Beginning with "P"

**PLAT.** A map representing a tract of land, showing the boundaries and location of individual properties and streets. (12779 §2 7/15/87)

**PLANNING COMMISSION.** The Allentown City Planning Commission (ACPC). (12779 §2 7/15/87)

**PLANNING DIRECTOR.** The Planning Director of the City of Allentown. (12779 §2 7/15/87)

**PRELIMINARY PLAN.** The preliminary drawing or drawings, described herein, indicating the proposed manner or layout of the land development to be submitted to the Planning Commission for approval. (12779 §2 7/15/87)

### 350-64 Terms Beginning with "Q"

RESERVED

### 350-65 Terms Beginning with "R"

**RECORD PLAN.** The copy of a Final Plan that is intended to be recorded with the County Recorder of Deeds. (12779 §2 7/15/87)

**REGIONAL PLANNING COMMISSION.** The Lehigh Valley Planning Commission of Lehigh and Northampton Counties. (12779 §2 7/15/87)

**REVERSE FRONTAGE LOTS.** A lot between and having frontage on two (2) generally parallel streets, with vehicular access solely from one (1) street. (12779 §2 7/15/87)

**RIGHT-OF-WAY.** The width of a strip of land between property lines set aside for public use or ownership as a street, alley, crosswalk, easement, or other facility. (12779 §2 7/15/87)

### 350-66 Terms Beginning with "S"

**SAME OWNERSHIP.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnerships, or unincorporated associations, in which a stockholder, partner, or associate or a member of his family owns an interest in each corporation, firm, entity, partnership, or unincorporated association. (12779 §2 7/15/87)

**SECURITY.** A legal instrument under which one party agrees to answer to the city for the debt, default, or failure to perform of the developer.

**SHADE TREE.** Includes all trees, shrubs, and woody vegetation in the public right-of-way. (12779 §2 7/15/87)

**SKETCH PLAN.** A sketch preparatory to the preparation of the preliminary plan (or final plan in the case of Minor Land Developments) to enable the developer to save time and expense in reaching general agreement with reviewers about the form of the plan and the objectives of these regulations. (12779 §2 7/15/87)

**SLOPE.** Ratio of horizontal to vertical. (12779 §2 7/15/87)

**STREETS, PUBLIC.** A right-of-way dedicated to the public for the movement of traffic with space for utilities and providing access to abutting properties.

**STREET, ARTERIAL.** Providing for large volumes of through traffic movement between areas and across the City, and direct access to abutting property subject to necessary control of entrances, exits, and curb use. (12779 §27/15/87)

**STREET COLLECTOR.** Providing for traffic movement between arterial and minor local streets, and direct access to abutting property. (12779 §2 7/15/87)

**STREET, CUL-DE-SAC.** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. (12779 §2 7/15/87)

**STREET, LOCAL.** Providing for local traffic movement and direct access to abutting property. (12779 §2 7/15/87)

**STREETS, MARGINAL ACCESS.** A minor street that is parallel to or adjacent to an arterial street that provides access to abutting property by reducing the number of access points to the arterial street. (12779 §2 7/15/87)

**STREET, PERIMETER.** Any existing street to which the parcel of land to be developed abuts on only one side. (12779 §2 7/15/87)

**STREET, PRIVATE.** Any street or road not dedicated for public use.

**STREET, SERVICE.** A minor right-of-way providing secondary access to the side or rear of 2 or more properties for public use. (12779 §2 7/15/87)

**SUBDIVIDER.** Any individual, firm, association, syndicate, co-partnership or corporation, trust or any other legal entity commencing proceedings under these Regulations to effect a subdivision of land hereunder for himself or another. (12779 §2 7/15/87)

**SUBDIVISION.** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, is exempted. (13014§211/7/90)

**SUBDIVISION, MAJOR.** All subdivisions not classified as minor subdivisions, including but not limited to the subdivision of 5 or more lots, or any size subdivision requiring any new street, extension of municipal facilities, or the creation of any public improvements. (12779 §2 7/15/87)

**SUBDIVISION, MINOR.** Any subdivision creating a net increase of no more than 4 lots all of which have frontage on an existing opened street or road and that does not involve the substantial extension of municipal facilities and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinances, or this ordinance. (12779 §2 7/15/87)

**SUBSTANTIALLY COMPLETED.** Where, in the judgment of the City Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted have been completed in accordance with the

approved plan, so that the project will be able to be used, occupied or operated for its intended use.

### 350-67 Terms Beginning with "T"

**TOPOGRAPHIC PLAN (GRADE PLAN).** A map showing the elevation of the ground by contours or elevations. (12779 §2 7/15/87)

### 350-68 Terms Beginning with "U"

RESERVED

### 350-69 Terms Beginning with "V"

RESERVED

### 350-70 Terms Beginning with "W"

**WATERCOURSE.** Rivers, creeks, stream channels, ditches, drains, dry runs, and springs. (12779 §2 7/15/87)

**WATERWAY, MAJOR.** Major waterways include the Lehigh River, Lehigh Coal and Navigation Canal (D+L), Jordan Creek, Cedar Creek, Trout Creek, Little Lehigh Creek, Little Cedar Creek, Lake Muhlenberg, and Joseph S. Daddona Lake.

**WATERWAY, MINOR.** Waterways, whether navigable or not, including creeks, brooks, ponds, lagoons, rivers, lakes, and other unnamed, minor waterways, not including those waterways designated as major waterways.

### 350-71 Terms Beginning with "X"

RESERVED

### 350-72 Terms Beginning with "Y"

RESERVED

### 350-73 Terms Beginning with "Z"

RESERVED





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