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October 18, 2023

The Honorable Daryll Hendricks
President, Allentown City Council
435 Hamilton Street
Allentown, PA 18101

THRU: Michael Hanlon (michael.hanlon@allentownpa.gov)
Clerk of City Council

RE: **Text Amendment to the Zoning Code and the Zoning Map** (Northridge Overlay)
Bill #81 - Amend the zoning ordinance of the City of Allentown to add a new section that would establish a new "mixed use overlay" zoning district, and that would apply this new district to land formerly occupied by the Allentown State Hospital that is south of Hanover Ave., south of E. Allen St., south of Wahneta St. extended, generally east of Maxwell St. extended, north of River Dr., and west of the City of Bethlehem border, as depicted in more detail on an attached map labeled "Exhibit A", and to add certain definitions.


Dear Mr Hendricks:

At the monthly meeting of the Allentown City Planning Commission held on October 10, 2023, the Commission considered the proposed amendments to the Zoning Code proposed by City Center Investments Corporation. Please know that the Commission fully endorsed the Bill#81 as revised (Oct 4/23 version, attached).

This endorsement, notwithstanding, due to the revisions to the zoning amendments, a new ordinance will be presented at the October 18th City Council meeting. This revised ordinance will then be submitted to the ACPC for re-review during their November meeting. Simultaneously, the project will undergo assessment by the LVPC on October 24th. Planning staff will provide further updates once these reviews are concluded and the project is ready for inclusion in a Community and Economic Development agenda, as well as subsequent Public Hearing and Council adoption hearings.

As well, I have attached herewith a copy of the City Staff report to the ACPC for reference.

Thank you.

 Digitally signed by: Jennifer Gomez
DN: CN = Jennifer Gomez email = jennifer.gomez@allentownpa.gov, C = AD
Date: 2023.10.18 11:34:59 -04'00'

Attachments:

- Bill 81, Oct 4/23 revision
- City Staff Report, dated Oct 10/23
- Excerpt of ACPC Minutes of Oct 10/23

ec: City Center (rdilorenzo@citycenterallentown.com, jheft@citycenterallentown.com; cschmehl@urdc.com; dmccarthy@davisonmccarthy.com)
LVPC (BBradley@lvpc.org; BRivera@lvpc.org; SNeratko@lvpc.org)
City of Allentown (Mark Hartney, Melissa Velez)
ACPC (cbrown@browndesigncorp.com)

ORDINANCE NO. __FILE OF CITY COUNCIL
BILL NO. __-__ -

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

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

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

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

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

- (2) The MUO District is an optional district that overlays the underlying zoning

district. An applicant shall have the option of developing property under the MUO District or under the underlying zoning district. Once a PRD Final Plan is approved under the MUO District, such land area shall be developed under the MUO District provisions, unless the applicant abandons the PRD Plan approval in writing or the PRD Plan approval is determined in writing by the City to have expired.

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

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

- (1) Single family detached dwellings, twin dwellings or two-family dwellings.
- (2) One or more apartment/multi-family dwellings within a building that includes a principal non-residential use.
- (3) Multi-family dwellings, including three or more dwelling units on a lot.
- (4) Rowhouse/townhouse.
- (5) Sample or model home.
- (6) Art gallery.
- (7) Bed-and-breakfast inn.
- (8) Business services.

- (9) Catering, preparation of food for (this use may be combined with a restaurant if the requirements for a restaurant are also met).
- (10) Commercial communications tower/antenna, non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height.
- (11) Custom crafts, manufacture and sale of (such as jewelry and handicrafts), or artisan's studio retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
- (12) Exercise club, or fitness facility, and/or an indoor or outdoor swimming pool.
- (13) Financial institution, which may include a drive-through facility.
- (14) Hotel or motel, which may include a restaurant and conference center.
- (15) Massage establishment involving services by a State-licensed Massage Therapist. All other commercial uses involving massages in private rooms shall be prohibited.
- (16) Offices of business, institution, profession, medical, or similar entity.
- (17) Personal services (such as barbershops, beauty shops, laundry and dry cleaning pickup and delivery, and closely similar uses).
- (18) Printing and duplication, commercial.
- (19) Recreation, commercial, indoor or outdoor.
- (20) Restaurant, without drive-through service.
- (21) Retail store.
- (22) Shopping center.
- (23) Tavern or nightclub, which may include a brewpub, micro-distillery or custom winery, which may include on-site consumption and retail sales for off-site consumption.
- (24) Theater, civic and/or cultural facility, arena, gymnasium, auditorium or sports stadium.
- (25) Trade school or similar educational institution.
- (26) Veterinarian ~~or animal day care~~, but not including ~~an overnight~~ kennel.
- (27) Research and development, engineering or testing facility or laboratory.
- (28) Adult day-care center.
- (29) Child-care center, nursery school, preschool or "Head Start" program center.
- (30) College or university, not including a dormitory.
- (31) Museum or visitor's center, and which include accessory retail sales.
- (32) Nursing home, assisted living residence, hospital or personal care home, provided each shall be licensed as applicable by the State of Pennsylvania.
- (33) Community center, non-profit.
- (34) Government uses, not including: prisons, other correctional facilities and solid waste facilities.
- (35) Membership club.
- (36) Place of worship, which may include an accessory day care center.
- (37) Public park, playground or other publicly-owned recreation facilities or non-commercial outdoor recreation areas, such as areas owned by a homeowner association.
- (38) Swimming pools, household or non-household, public or private.
- (39) Bus passenger shelters.
- (40) Small group home, which shall need special exception approval.
- (41)

- (42) Parking, off-street, public or private, surface, underground or structured, as a principal or accessory use of lot.
- (43) Public utility, such as electric substations, wastewater pump stations or water tanks, but not including vehicle garages, warehouses, or outdoor storage yards. This use may also include utility facilities owned by a property-owner association.
- (44) Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use.
- (45) Family child-care home.
- (46) Group child-care home.
- (47) Solar energy collection devices; Electric vehicle recharging stations as a customary accessory use.
- (48) Home occupation.
- (49) Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "custom crafts").
- (50) Warehousing as a customary accessory use to a permitted principal use of the lot.
- (51) Schools, elementary or secondary, public and private.
- (52) A maximum of 5 percent of the total land area of the PRD may be used for the following business uses, provided that such buildings shall be setback a minimum of 400 feet from any pre-existing dwelling unit structure in a residential district and a minimum of 200 feet from any proposed dwelling unit structure within the PRD:
 - (a) Moving and related storage business as a principal or accessory use.
 - (b) Offices, accessory warehousing and primarily indoor storage for a building tradesperson business.
 - (c) Flexspace buildings, which shall mean buildings including a combination of business uses that are permitted by right within a PRD, such as an office and sales area in the front of the building and an accessory warehousing area or building tradesperson use in the rear of the building.
 - (d) Manufacture of food or beverage products for human consumption, wood products, electrical or electronic products, or glass products.
 - (e) Industrial equipment sales and service, such as forklifts, conveyor belts and similar equipment.
 - (f) Manufacture or processing of products from materials manufactured off-site, such as from plastics, metals, glass or textiles.
 - (g) Packaging, bottling or assembly.

D. Area, yard and building regulations.

- (1) The following area, yard and building regulations shall apply for all uses, whichever is most restrictive. If more than one regulation within a section would apply to a use, then the most restrictive of those regulations shall be used.
 - (a) Maximum overall residential density: 30 dwelling units/acre for any phase of the PRD. The maximum overall residential density for the entire PRD shall be a maximum of 10 dwelling units/acre, based upon the total area of the tract. The maximum residential density shall be based upon the

“total area of the tract”, before the deletion of rights-of-way of proposed streets and before the deletion of proposed Open Land. Lots that are developed for business uses without any residential uses shall not count towards the overall residential density. Individual lots may exceed the maximum overall residential density, provided that the applicant proves that the maximum overall density for the entire PRD will continue to be met after the completion of each phase of development. For a nursing home, personal care home or assisted living facility, every 4 resident beds shall count as one dwelling unit, for the purposes of determining the maximum density.

- (b) Minimum lot area: 1.5 acres minimum for a principal industrial use or a principal institutional use. Minimum lot area of 5,000 square feet for a lot including one or more principal commercial or multi-family residential uses. Minimum lot area of 1,200 square feet for other lots. Lot dimensional requirements shall not apply to a lot that is only used for a water supply, air quality monitoring, wastewater pumping, electrical sub-station or stormwater facility or for a non-commercial outdoor recreation area or trail, provided that the lot shall have access for maintenance.
- (c) Minimum lot width and Minimum building width: 150 feet for an industrial use, and 20 feet for other uses. Each single-family detached dwelling, single family semi-detached dwelling, rowhouse/townhouse or commercial use shall have a minimum building width of 20 feet. Individual uses or buildings may be owned in a condominium arrangement, which may include shared parking and common maintenance of outdoor areas, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements as if individual fee-simple lot lines had been established. Where condominium ownership is proposed, a Declaration of Restrictive Covenants shall be established as a condition of Final Plan approval, for the respective phase.
- (d) Minimum building setback from the perimeter of the PRD tract: 20 feet, except a minimum of 40 feet from the lot line of a pre-existing dwelling in a residential district outside of the PRD for a proposed building of greater than 40 feet in height or for a multi-family residential building.
- (e) Minimum front yard setback: zero feet. At least a portion of each new single family detached dwelling, twin dwelling, two-family dwelling ~~or~~, rowhouse/townhouse dwelling or multi-family dwelling building containing 6 or fewer dwelling units shall be located within a maximum of 30 feet from a street right-of-way, unless the dwelling or building faces onto improved vegetated Open Land with a sidewalk or pathway. For ~~other principal residential~~ multi-family dwelling buildings, ~~at least a portion of 7 or more dwelling units that are located more than 30 feet from a street right-of-way,~~ the building shall be ~~placed within a maximum of 60~~

~~feet separated from one any off-street right-of-way line, unless a wider space is needed for an outdoor pedestrian plaza, outdoor café, or unless the building faces upon improved vegetated Open Land with a sidewalk or pathway~~ vehicle parking lot by a planting and sidewalk area with a minimum width of 20 feet, and that includes trees. A residential building may have vehicle access using a rear alley, shared parking area or a street, without necessarily requiring the building to have frontage onto a street. A minimum of 50 percent of all ~~dwelling units~~ residential buildings with 6 or fewer dwelling units shall front onto a street, with access and parking in the rear or side. ~~The front of each principal building shall be designated on the Tentative Plan, and shall include a pedestrian entrance and a walkway to reach a street.~~ A maximum of 10 percent of proposed new rowhouses/townhouses shall have front yard parking located between the front of the rowhouse/townhouse and the adjacent street right-of-way line.

- (f) Minimum rear yard setback: 8 feet, except 25 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and except 3 feet for a structure that is accessory to a dwelling.
- (g) Minimum side yard setback: 3 feet, except: 1) zero feet where buildings are approved to be attached within the development, 2) 20 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and 3) where a larger perimeter setback is required by subsection (d) above.
- (h) Notwithstanding (d), (e), (f) and (g) above, stormwater water controls shall: (1) have a setback consistent with the requirements of Chapter 355 Land Development Controls, and (2) ~~shall~~ not be required to meet zoning setbacks. Stormwater conveyance improvements: (1) are not required to have a setback from a property line, if approved by the City Engineer, and (2) grading may occur up to the property line.
- (i) Maximum building coverage: 70%. The maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. The City may require that certain lots include a deed restriction and notations on the approved plans limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time.
- (j) Maximum building height: 4 habitable stories or 65 feet, whichever is more restrictive. A building may also include a floor level that is partly or entirely below ground that is primarily used for vehicle parking or a basement that is used for storage and mechanical equipment. However, the maximum building height shall be reduced to 3 habitable stories or 45 feet, whichever is more restrictive, for any new dwelling unit that will be

within 200 feet from a pre-existing dwelling principal building in a residential district that is outside of the PRD.

- (k) Buffer strip: Not required, except a ten feet wide planted buffer strip meeting Section 660-76 shall be required if a pre-existing principal dwelling in a residential district that is not within the PRD tract is adjacent or across a street or alley from a new principal non-residential use, non-residential use parking lot or multi-family building. A minimum five feet wide buffer strip shall also be required between a new principal business use and a proposed or existing principal residential use on another lot within the PRD. The buffer strip shall be planted and maintained with an attractive and continuous landscape screen. The landscaping shall consist of primarily evergreen trees and shrubs with a minimum height when planted of 3.5 feet and in such numbers, locations and species as can reasonably be expected to produce, within three growing seasons, a year-round mostly continuous complete visual screen at least five feet in height.
- (l) Each single-family detached, twin and rowhouse/townhouse dwelling shall have a private outdoor area including a minimum area of 400 square feet for the exclusive use of that dwelling unit. Such outdoor area may be: a rear or side yard, in front of a dwelling, a courtyard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.
- (m) Open-sided solar panel canopies may be constructed over approved vehicle parking areas without needing to meet principal setback requirements and without being regulated by the Zoning Code as a building. Solar panel canopies shall meet accessory structure setbacks and shall not be allowed within the minimum front yard.
- (n) Front Garages. If a dwelling unit is allowed to have a garage door(s) facing onto a street, the garage door shall not be located more than 10 feet closer to the street-of-way than the majority of the front wall of the remainder of the house.

- (2) Uses allowed in underlying district. The applicant shall have the option of developing a use under the regulations of the underlying zoning district, instead of the provisions of the MUO District. In such case, all of the regulations of the underlying district shall apply instead of the regulations of the MUO District. Once a final PRD plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the MUO District shall be allowed.
- (3) Minimum non-residential uses. A minimum of 10 % of the total land area of the tract after completion of the development shall be occupied by principal non-residential uses and their parking, after deleting proposed Open Land from the calculation of total land area of the tract. Such land area may also include upper story dwellings. See also Section E.(1) below which sets a minimum size for a required pedestrian-oriented commercial area.

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

width of 8 feet and a public pedestrian access easement with a typical minimum width of 12 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such trail may be gated and closed to the public between sunset and sunrise. The main trails shall include hard surfaces or compacted crushed stone that are designed to be usable by wheelchairs, but nature trails may also be provided in sloped areas of the preserved Open Land that are not hard-surfaced and not ADA-compliant.

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

E. Site and building layouts; Signs; Slopes.

- (1) The PRD shall include at least 2 acres that includes commercial uses and that is intended to accommodate pedestrian travel between uses. Such area may also include dwelling units or allowed business uses on the upper stories. Such 2-acre requirement may be met as part of any phase of the development.
 - (a) Within this pedestrian-oriented commercial section, off-street vehicle parking shall not be allowed between the front of the commercial buildings and the adjacent front street right-of-way line. If a commercial building abuts more than one street, this parking restriction shall only apply abutting the Primary Street Frontage. The required off-street parking for these commercial uses shall be provided to the side or rear of the buildings or on another lot or using on-street parking spaces.
- (2) Outdoor garbage collection facilities shall be surrounded by a decorative enclosure or plant screening. Trash dumpsters shall have lids and shall be conveniently located to serve uses and dwellings that do not have individual trash collection. Trash receptacles that are regularly emptied shall be provided by the landowner within commercial areas and any trailhead parking lot. Business truck loading docks shall be screened from pedestrian view along the front street right-of-way line and from existing dwellings outside of the PRD and proposed dwellings on other lots within the PRD.
- (3) A minimum of two streets shall enter the tract after completion. At least one inter-connected vehicle route shall extend through the bulk of the interior of the tract. The tract should have a central focal point, such as a landscaped central green space.

- (4) For portions of the PRD that are entirely residential, the sign regulations shall apply that would ~~otherwise~~ apply to the R-M district, or its successor zoning district. For other portions of the PRD, the sign regulations shall apply that would apply to the B-23 district, or its successor zoning district. Notwithstanding the foregoing, off-premises advertising signs shall be prohibited, except signs within the PRD of up to 20 square feet and up to 8 feet in height may be used to direct motorists to various uses within the PRD, provided the sign is approved as part of the Tentative Plan.
- (5) The regulations regarding development on steep slopes shall not apply to areas of steep slopes that the applicant shows were clearly man-made, such as areas that were graded previously for buildings, basins, quarrying or other features. The burden of proof shall be upon the applicant to show that slopes were man-made, such as by showing that grading occurred to develop a previous adjacent building. The alteration of all slopes shall result in stable conditions.

F. Submission and Approval Process. Development under the MUO District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Municipalities Planning Code are hereby included by reference.

- (1) Master Plan. The applicant ~~should~~shall first submit an overall Master Plan that includes all of the land controlled by the applicant within the MOU district. The Master Plan ~~should~~shall be to drawn to scale, at a level of detail typically found at a Sketch Plan stage. The Master Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
 - (a) The Master Plan may propose a range of allowed uses in various areas, as opposed to identifying each specific use. The Master Plan ~~should~~shall show the preliminary layout of streets, alleys, lots, public trails, recreation areas, major pedestrian and bicycle pathways, maximum heights of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.
 - (b) The Master Plan is intended to show the interrelationships and compatibility of various elements of the PRD.
- (2) After approval of a Master Plan, a Tentative Plan submittal shall be made that includes all of the land controlled by the applicant within the MOU district. The Tentative Plan submittal shall meet all of the submission requirements that are provided in Section 707(4) of the MPC, as well as sufficient information to show the feasibility of the proposed access points from existing public streets. The Tentative Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission. The Tentative Plan shall include the following information:

- (a) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
- (b) the density of land use to be allocated to parts of the site to be developed;
- (c) the location and size of the preserved Open Land and the form of organization proposed to own and maintain the preserved Open Land;
- (d) the type of uses and housing in each land area and the approximate height, bulk and location of buildings and other structures, and the preliminary layout of lots, trails, recreation areas, major pedestrian and bicycle pathways, and major detention basins;
- (e) sufficient information to show the feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
- (f) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- (g) the provisions for parking of vehicles and the location and width of proposed streets, alleys and public ways;
- (h) the requested modifications in the City Land Development and Subdivision Ordinance and the reasons for the request;
- (i) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
- (j) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
- (k) a written statement by the landowner setting forth the reasons why, in the landowner's opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for Allentown;
- (l) a brief narrative describing how the proposed development is being coordinated with adjacent existing development; ~~and~~
- (m) delineation of streets that are proposed to be dedicated to the City, and streets that will be maintained by a legally binding property-owner association; and
- (n) the proposed location of public sidewalks and major trails and the tentative

location of vehicle driveways.

- (3) The Tentative Plan shall show all information that would be required as part of a Preliminary Plan under the Land Development and Subdivision Ordinance, except for information listed in this subsection (3). The following information shall specifically not be required to be submitted as part of a Tentative Plan, but instead shall be required as part of the Final Plan submission:
 - (a) Stormwater calculations.
 - (b) Housing numbering plans.
 - (c) Proposed monuments and lot markers.
 - (d) Species of plantings for landscaping plans, but the proposed locations of buffer strips and typical placement of street trees shall be shown on the Tentative Plan.
 - (e) Profiles of proposed sanitary sewage lines, storm drains and streets, except that the applicant shall show proposed maximum slopes of streets.
 - (f) Designs of culverts, manholes, catch basins, sidewalks and similar construction details, provided that the locations of sidewalks shall be shown.
 - (g) Locations of proposed electric, telephone and cable television lines and water and sewage laterals.
 - (h) Lighting plans.
 - (i) Detailed cross-sections are not required for all streets, but typical cross-sections shall be provided.
 - (j) Detailed grading plans are not required for individual buildings, but typical grading plans shall be provided.
- (4) The Tentative Plan may include a range of allowed business uses in a specific area, as opposed to identifying each specific use. The Tentative Plan may include two alternatives for a specific land area, such as having one layout for rowhouses/townhouses and one layout for twin homes, provided the alternative does not affect the location of public streets. Where two alternatives are shown in the Tentative Plan, one of those alternatives shall be chosen as part of the Final Plan.
- (5) The Tentative Plan shall be to scale and be designed to show how the PRD will comply with this Zoning Chapter. The Tentative Plan is not required to show compliance with Chapter 355 Land Development Controls, provided compliance will be addressed prior to approval of the PRD Final Plan or prior to

earth disturbance for a phase of development, whichever occurs first.

- (6) After a Tentative Plan has been approved, a PRD Final Plan shall be submitted, which may occur in phases. The Final Plan shall need be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
 - (a) No sale of lots or construction of buildings shall occur until after: 1) an approved PRD Final Plan has been approved by the Planning Commission and has been recorded, 2) the applicant has proven they have met any conditions upon approval, and 3) acceptable financial guarantees for improvements have been established.
 - (b) A PRD Final Plan shall meet all of the requirements of this Zoning Chapter and Chapter 350, Land Development and Subdivision, that are not specifically modified by this section or by the provisions of the Municipalities Planning Code that governs PRDs. If a Preliminary Plan requirement was exempted from the PRD Tentative Plan submission, such requirement shall be met as part of the PRD Final Plan.
- (7) After the Final PRD Plan has been approved, zoning permits for individual uses and buildings may be approved, subject to compliance with the PRD Final Plan. If a proposed use or structure does not comply with the Final PRD Plan, then such revision to the Final PRD Plan shall be submitted for approval by the Planning Commission.
- (8) The Planning Commission may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.
- (9) Within 60 days after the filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Planning Commission in the manner prescribed in Article IX of the MPC.

G. Phasing, Impacts and Architecture.

- (1) Phasing. As each phase of development is granted Final Approval, the applicant shall provide evidence that the requirements of this MUO District will be met, even if later phases of development would not be completed. For example, Phase 1 must meet the PRD requirements, and then the combination of Phases 1 and 2 combined must meet the PRD requirements, but Phase 2 by itself does not

[need to meet every PRD requirement](#). This shall include, but not be limited to, providing evidence of compliance with the density, coverage and Open Land requirements. The preserved Open Land does not need to be contiguous to each phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan.

(a) ~~(a)~~ — If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revision of that portion of the Tentative Plan for approval by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect compliance with the zoning ordinance requirements, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

[\(b\) See Section F.2.\(j\) above concerning annual updating of the phasing schedule, which is a standard under the MPC.](#)

- (2) Architecture. To carry out the intent of Traditional Neighborhood Development, prior to a phase receiving Final PRD approval, the applicant shall submit the substance of draft architectural covenants to the Bureau of Planning and Zoning, the City Solicitor's office and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of Final Plan approval, prior to the recording of such plan. As part of zoning permit applications, an architectural sketch of the front facade of non-residential principal buildings, rowhouses/townhouses and multi-family buildings shall be submitted to the Bureau of Planning and Zoning for review. [The front side of each principal building shall be designated on the Tentative Plan.](#)
- (3) Covenants. The City may also require covenants, deed restrictions, or conditions upon a Final PRD Plan to address setbacks, landscaping, pedestrian access, fire access, and other matters necessary to carry out the intent of this Section.
- (4) Public access. The Final Plan shall describe the locations and extent of public access to trails and preserved Open Lands. [Public access may be limited to daytime hours.](#)
- (5) Transportation Impact Study (TIS) and improvements. As part of the Tentative Plan submittal, the applicant shall submit a TIS to the City, which shall be prepared by a qualified professional. Such TIS shall consider full build-out of the tract. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development, the impacts upon traffic, and improvements that the applicant proposes to complete or fund. Such traffic impact study shall be updated as needed as each final plan phase is submitted. Such TIS shall meet the published standards of the Pennsylvania Department of

Transportation that would apply as if a Highway Occupancy Permit would be required. If diagonal parking is proposed along a street, the traffic impact study shall assess the safety of such parking in that location.

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

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

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

- [3] Prior to initiating the TIS, the applicant's traffic engineer shall schedule a methodology meeting with the City Staff and any City traffic consultant to determine the following:
 - i. Study time periods and intersections;
 - ii. Data to be collected
 - iii. Methodology for trip generation, trip generation factors, trip distribution, and growth rate
 - iv. Programmed roadway improvements and planned developments to be considered in the study

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

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

H. Subdivision and Land Development requirements. As authorized under the TND and PRD provisions of the Municipalities Planning Code, the Planning Commission may

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

- (1) The following are examples of street right-of-way and cartway widths that are intended to be approved for new streets, in addition to options that are allowed under Chapter 350, Land Development and Subdivision:
 - (a) A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, diagonal parking lanes of 18 feet each or 8.5 feet wide parallel parking lanes if parking is allowed, a planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks or pathways on each side of the street, and a right-of-way width that extends a minimum of ten feet on either side of the curbline. A collector street may also include a turn lane where warranted.
 - (b) A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8.5 feet wide parallel parking on one or both sides, a planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks or pathways on each side of the street and a minimum right-of-way width that extends a minimum of ten feet on either side of the curbline.
 - (c) An alley serving two-way traffic may be constructed with an 16 feet wide cartway and an eight feet minimum setback between the travel lane and any rear garage. Any alley shall be required to be maintained by a homeowner association and shall be designed to prevent use of the alley by through-traffic.
 - (d) The Planning Commission may require wider cartway widths as needed, considering the results of the traffic impact study. All streets shall include a right-of-way, including private streets, and which shall be used for measuring required setbacks.
- (2) Any street within the MUO District, whether public or private, shall meet the same minimum construction material requirements as would apply to any new street intended to be dedicated to the City under City ordinances, unless a modification is specifically approved by the Planning Commission.
 - (a) All private streets and alleys shall include an easement or right-of-way, and setbacks shall be measured from that easement or right-of-way.
- (3) After receiving a recommendation from the City Engineer, the City Planning Commission may approve a requested modification to allow a portion of a local

private street to have a slope greater than provided in the Land Development and Subdivision Chapter.

- (4) Pedestrian sidewalks meeting Americans With Disabilities Act requirements shall be required on each side of every street that serves through-traffic and each public street, unless the Planning Commission approves an alternative pathway system that provides sufficient connectivity. In addition, the Planning Commission may require sidewalks abutting ~~other private~~ streets ~~under the requirements of the Land Development and Subdivision Ordinance~~ where needed to provide connectivity, but sidewalks shall not be required abutting alleys. Sidewalks shall have a minimum width of 5 feet in residential areas and sidewalks shall have a minimum width of 6 feet in commercial and institutional areas.
- (5) The street tree requirements in the Zoning Ordinance shall apply, provided there shall be flexibility in the locations of the required street trees, and provided the locations are approved by the City Planning Commission. For example, street trees may be approved to be placed immediately outside of a right-of-way or in an immediately adjacent area of Open Land. Sufficient space shall be provided for each street tree to thrive, which may include a vegetated surface, use of porous pavers near a tree, a tree grate or a tree well around the street tree. The location of street trees shall be subject to approval by the City Shade Tree Commission.
- (6) The minimum centerline radius for a local residential street may be reduced to 125 feet.

I. Parking and loading. The off-street parking and loading requirements of this Chapter shall apply, except for the following modifications:

- (1) Off-street parking may be shared by various uses and lots within the MUO District, provided that the developer shall demonstrate to the Zoning Officer that sufficient parking is provided on the tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that a method will be in place to guarantee that the shared parking will continue to be available within the required distance to all of the uses that are served by the parking during the life of those uses, such as a deed restriction or long-term lease.
- (2) Off-street loading. Section 660-75 or its successor section shall apply.
- (3) Under the authority of the MPC to modify requirements as part of a PRD or TND, the Planning Commission may reduce the required amount of off-street parking by up to 15 percent based upon the following considerations:
 - (a) The applicant's traffic study and any parking study that is provided;
 - (b) Evidence that is provided regarding the ability of various uses to share

parking, particularly if those uses have different time periods of peak parking demand;

- (c) The availability of public transit and/or any shuttle service that may be provided during periods of peak parking demand; and
 - (d) Data on parking demand that is provided based upon research of the Institute of Transportation Engineers or similar professional studies of developments.
- (4) An applicant may meet a maximum of 20% of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a new street adjacent to the use. Each space shall only be allowed to be counted once to serve one use.
- (5) As part of each phase of development and each zoning permit application for a new use or change of use, the parking requirements calculations shall be updated as needed, and submitted to the Zoning Officer.
- J. PRD modifications. Specific subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or Traditional Neighborhood Development, as provided in the Municipalities Planning Code. This may include, but shall not be limited to, modifications of street standards to allow a site design that is more pedestrian-friendly or that reduces environmental impacts. The Planning Commission shall consider any recommendations of the City Bureau of Engineering and/or Bureau of Planning and Zoning regarding modifications.
- K. Preserved Open Land. The proposed uses and method of ownership and maintenance of the preserved Open Land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved Open Land ownership or use that is inconsistent with the PRD Final Plan approval shall need Planning Commission approval in advance.
- (1) Required preserved Open Land shall be preserved through a permanent conservation easement that is enforceable by the City. The substance of the conservation easement shall be provided as part of the Tentative Plan application. The proposed primary holder of conservation easements shall be identified as part of the Tentative Plan approval. The legal form of the conservation easement documents concerning the preserved Open Land shall be approved by the City Solicitor as a condition of Final Plan approval.
 - (2) The preserved Open Land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.

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

L. Tree Conservation.

- (1) [For existing trees of over 36 inches caliper within 200 feet from the right-of-way](#)

of Hanover Avenue, the applicant shall submit a written assessment to the City of their condition by a qualified professional, as part of the Tentative Plan submission.

(1)(2) Temporary fencing shall be used to avoid damage to existing mature trees during adjacent construction activities.

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

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

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

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

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

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

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

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

SECTION FIVE: The provisions of this Ordinance are declared to be severable, and if any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impact any of the remaining provisions, sentences, clauses, sections, terms, phrases or parts of this Ordinance.

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



City of Allentown
Staff Report (UPDATE)

All comments in the report are advisory

To: Allentown City Planning Commission
From: Parks & Recreation, Planning & Zoning, Public Works
Meeting Date: October 10, 2023

Locations: 1600 Hanover Ave. (Rear), 1600 Hanover Ave., and 1900 E. Allen St.
Proposal: Create a new zoning overlay to allow mixed uses and varied building-types (a.k.a. Bill 81)
Applicant /Owner: City Center Investment Corp (JB Reilly)
Representatives: • Urban Research & Development Corp (Charlie Schmehl)
• Davison & McCarthy (Dennis McCarthy)
Case Number: Z 23-04



Background

- 1. At the September meeting of the ACPC, the proposed overlay was discussed at length.

2. The ACPC voted to table the matter to give the ACPC more time to review the proposed changes and their implications.
3. By email, Planning Staff receive comments /suggestions from three members. These were processed and compiled in Attachment A. The staff analysis of those comments are also included in Attachment A.
4. In response thereto, City Center (thru its consultant Charlie Schmehl) sent memorandum to ACPC, a copy of which appears as Attachment B. This memo describes the revisions made to the text in response to the ACPC comments, with a few additional changes proposed by the applicant.
5. Finally, Attachment C is the draft of Bill 81 which incorporates the changes resulting from the comments and suggestions of the ACPC members and city staff.

Findings

6. The responses by the applicant's consultant to the comments and suggestions from the ACPC and Staff lent more clarity and refinement to the overall development concept of the overlay. Staff is inclined to believe that the proposed overlay aligns with the city's objectives – mindful that projects resulting from this overlay will undergo continuous refinement as they progress through the land development process.

Conclusions

Vision 2030 identified this site of the former Allentown State Hospital as a key project in the East Allentown, a catalytic site where ensuing actions on policy, land development and investments will impact multiple Urban Systems. The comprehensive plan's vision for this area includes prioritizing transit, destinations improving the neighborhood's sense of place, and redevelopment that includes amenities and adds to the local economy.

Staff recommends endorsement to City Council.

**Compiled Comments / Suggestions from Members of the ACPC
re: Bill 81 (Northridge Mixed-Use Zoning Overlay District)**

Damien Brown (black fonts) -- sent, Sep 19/23; Staff Comments (red)

1. **Process:** Can you please provide some additional clarity on the land development process for the Mixed Overlay District? The process is not outlined until later in the document (Section F) and isn't easy for me to follow.

A. I recall from the meeting, the process sounds like it follows the outline below. Is this accurate?
Bill 81 – Covers entire site. **Correct**

Master Plan – Covers entire site **The expectation is that this will be the entire site. Section F(1) states that it will be for “all of the land controlled by the applicant within the MOU district”. If portions of the property are sold off or otherwise not “controlled by the applicant,” it could theoretically result in only portions of the site being covered.**

Tentative Plan – May cover a portion of the site – **The expectation is that this will be the entire site. Section F(2) states that it will be for “all of the land controlled by the applicant within the MOU district”. If portions of the property are sold off or otherwise not “controlled by the applicant,” it could theoretically result in only portions of the site being covered.**

Final Plan – May cover a Portion of the site **Correct. Phasing is anticipated.**

B. “PRD Final Plan” is referenced several times in the document. Is this synonymous with the Final Plan?
Generally, yes – See Section F(6)(b)

“A PRD Final Plan shall meet all of the requirements of this Zoning Chapter and Chapter 350, Land Development and Subdivision, that are not specifically modified by this section or by the provisions of the Municipalities Planning Code that governs PRDs. If a Preliminary Plan requirement was exempted from the PRD Tentative Plan submission, such requirement shall be met as part of the PRD Final Plan.”

C. Who approves the Tentative Plan and Final PRD Plan? Section F.1. explicitly states the Master plan shall require review and approval by the planning commission. F.2-6 does not state who will approve the tentative plan. Section F.7 jumps right into issuing permits without mentioning who approves the “Final PRD Plan.” **The applicant has revised the text to clarify the Tentative Plan requires Planning Commission approval.**

2. **Front Yard Parking:** Section D.1.e. **The applicant has revised the text to further restrict front yard parking.**

3. A. I like the idea of a maximum front yard setback. **The applicant has revised this section to only require a maximum setback for buildings with 6 or fewer units.**

4. B. "A maximum of 10 percent of proposed new rowhouses/townhouses shall have front yard parking located between the front of the rowhouse/townhouse and the adjacent street right-of-way line". This is a good addition to the text. **The applicant has revised the text to further restrict front yard parking.**

C. How are we defining the "front" of a residential unit? **This is not clearly defined. However, addressing the allowable location of the parking will help. They will additionally have to submit architectural covenants with their final plans.**

5. **Site layouts / Building Frontage:** Section E.1.a. - How do we define "Primary Street Frontage? Perhaps we add "... as defined by the zoning officer or Planning Commission" **Below is how they have proposed to define it. The land development process will give us a better understanding of the proposed street system.**

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

6. **Signage:** E.4. – I assume we are referring to commercial signage? **Correct – it is defaults to the existing signage regulations for RM or B-3 signage, except off-premise signage is generally prohibited except for 8'x20' directional signage for uses within the PRD.**

7. **Master Plan Detail:** F.1.a. – I suggest we add private drives and sidewalks to the list of details the master plan should show. **The applicant has revised to address.**

8. **Architecture:** G.2. – How are we defining the "fronts" of for the purpose of reviewing renderings? **This is not clearly defined. However, addressing the allowable location of the parking helps. They will additionally have to submit architectural covenants with their final plans.**

9. **Sidewalks / Private Streets:** H.1, H.4.

A. Section H.4. states that "the Planning Commission may require sidewalks abutting other streets under the requirements of the Land Development and Subdivision Ordinance." The Land Development and Subdivision Ordinance defines a private street as any street or road not dedicated for public use but shall have a cartway of 24'. The Land Development and Subdivision Ordinance appears to be silent regarding the applicability of sidewalks on private streets which would suggest there is no intent to exclude them from the ordinance. The ordinance does state that "Service Streets" are not required to have sidewalks but a service street is defined as a right of way providing secondary access to the side or rear of two or more properties for public use. **The applicant has added the following language, "In addition, the Planning Commission may require sidewalks abutting private streets where needed to provide connectivity, but sidewalks shall not be required abutting alleys."**

B. The language added to H.4. fails to provide clarity around the applicability of sidewalks on private streets. I suggest we align the sidewalk requirements with the street definitions in H.1.a-c. (public or private) only excluding streets defined as "alleys" where homes or buildings do not front. **See above response.**

10. **Parking:** I.3, I-4 – Generally not flexible enough. It’s doubtful these alternative calculations will ever amount to a reduction in paved parking spaces because they are so restrictive as is. **The applicant has not revised, though the proposed code offers flexibility in terms of parking.**

A. Reduction of Parking, I.3. I suggest we increase this to “up to 50%” assuming the requirements outlined are satisfied

B. On Street Parking I.4. I suggest we increase this to “50%” as well and eliminate the requirement to only count each on street space once.

C. Parking credit for bike storage? **The proposed code defaults to the overall existing zoning off-street parking and loading requirements. Below is an excerpt from the current adopted zoning code: Section 660-73.**

Bicycle parking.

(1) If a use is required to provide five or more off-street parking spaces, **then the parking requirement may be reduced by a maximum of one parking space** if the landowner provides a hitch, rack or locker suitable for the secure parking of two or more bicycles. The design and location of the hitch, rack or locker shall be subject to City approval. The current landowner shall be responsible to ensure that the hitch, rack or locker continues to be available and is well-maintained and is replaced if damaged or removed. Such hitch, rack or locker shall be designed for use by the general public. If the hitch, rack or locker is within a street right-of-way, a City encroachment permit shall be required.

(2) If a lot would contain 20 or more new apartment dwellings or 20,000 square feet or more of new building floor area, then such bicycle facilities shall be required. In such case, the hitch(s), rack(s) or locker(s) may be limited to residents or employees on the lot.

Damien Brown (black fonts) -- sent, Sep 21/23; response from Mandy Tolino (blue fonts)

11. I agree, 30’ and 60’ are fairly deep setbacks. It would be ideal if these are reduced. **The applicant has not addressed. The applicant has revised this section to only require a maximum setback for buildings with 6 or fewer units.**

1. The ordinance doesn’t address home ownership. I’m on the fence about this. Zoning in Allentown hasn’t explicitly mandated owner-occupied housing. I’m ok not addressing in the ordinance to provide maximum flexibility but now is the time if your office wants to address it. **The applicant has responded with the case law pertaining to this subject matter.**

2. Pedestrian connection to the East Side Reservoir Park... I think a pedestrian connection from the neighborhood at Union St is a great idea but I’m not sure this is what the Parks department intended in their request? There currently is (or was 20 years ago) an unimproved trail through the southern side of the East Side Reservoir Park, through private property, and onto the State Hospital lands.

Perhaps the intent of the Parks Dept request was to build the trail network to the property line so it can be continued west if the opportunity arises? Not a huge concern. **(Response from Parks)** -- Yes, the intent was to build trail to the property line for future connection. If Union is ped friendly, that would work. I didn't know about the unofficial trail, but usually when there is an unofficial trail that means there is a need. I assume the unofficial trail goes through the paper streets section Saxton, Mosser? Is there a plan for those parcels? Perhaps if that is going to be developed the trail could connect on one of those streets?

Kelli Holzman -- sent, Sep 21/23

Below are some general comments on the zoning amendment:

E. (2) regarding outdoor collection facilities - Having an enclosure is helpful. Can this be strengthened to also require that dumpsters have lids? And maybe requirements that there be so many receptacles based on the number of occupants. As a property owner, one of our biggest headaches is the amount of garbage that ends up on our properties. One in particular is across the street from an apartment complex with overflowing, no-lid dumpsters and the garbage blows across the street. **The applicant has addressed in their revisions.**

I didn't notice anything regarding trash receptacles on the sidewalks and paths. If there are more people walking, is there a way to address having trash receptacles strategically placed? **The applicant has addressed trash receptacles in their revisions, though the sidewalks and paths are not specifically referenced.**

"Trash dumpsters shall have lids and shall be conveniently located to serve uses and dwellings that do not have individual trash collection. Trash receptacles that are regularly emptied shall be provided by the landowner within commercial areas and any trailhead parking lot."

F. (2) (l) Should it be a **requirement** that a proposed development be coordinated with adjacent existing properties? Not just a suggestion. **The applicant has not addressed.**

H. (4). I noticed the addition to the sidewalk requirement that maybe addresses my question. All the developments have sidewalks that go around the development but do not connect to adjoining developments. Can there be something that requires, where possible, these developments be connected? This would enhance non-automobile movement in our neighborhoods. There may be slope issues in some places that make this difficult. Stairs could remedy this (it is a popular and century-old solution in Pittsburgh)

The applicant addressed the comment by adding the requirement that the Tentative Plan shows "the proposed location of public sidewalks and major trails and the tentative location of vehicle driveways."

The flex business space is interesting. Is there a way to make sure people who live in Northridge can walk/bike to work there? **The connectivity is a good goal. Staff defers to the applicant for comment since the slopes may**

be an issue. The applicant has stated they intend to strive for this but this may be difficult due to changes in elevations.

Also, how do you get more bike paths? I think there's going to continue to be more ebikes and scooters on the road. The text states that the Master Plan shall show the preliminary layout of streets, alleys, lots, public trails, recreation areas, major pedestrian and bicycle pathways, maximum heights of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.

H. (5). Do we need something in here to make sure we keep as many mature trees as possible? It was a shame to see so many trees cut down on Hamilton Street that were finally reaching the second story of our building, which is south facing. If it's a tree in good health and not invasive, let's keep them. The applicant has included a new requirement to assess trees within 200' of Hanover and to also use tree fencing to protect trees to remain.

Lastly, what are the street light requirements? Is there a balance between lighting around businesses and where people also live? The example I'm thinking of is the new streetlights on the 10th and 11th blocks of Hamilton. There are so many! It looks like an airport runway. I'm thankful for this new streetscape, but it seems like overkill on the number of lights and I feel bad for the folks who live there and now have so many street lights shining into their homes. Lighting will be addressed by the city's zoning code and will be planned for during the Final Plan.

Chris Brown (black fonts) -- sent, Sep 21/23

He wants a better definition and/or clear standards for dedicated onsite lot area vs. overall lot area. He stated he made a similar comment at the ACPC meeting and it was answered by Charlie, but he felt it could have been better resolved in the text. The applicant has added the following standard: Once the overall area of Open Land is established in the Tentative Plan approval, the applicant shall show how it will be met as part of each set of phases. For example, Phase 1 plans must show that at least 35 percent of the total land area of that phase will be preserved as Open Land, and then Phases 1 and 2 plans must show that at least 35 of the total land area of those two phases will be preserved as Open Land. The required Open Land is not required to be contiguous with each phase of development, provided that sufficient vehicle and pedestrian access is provided to the Open Land.



Urban Research & Development Corporation

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September 29, 2023

To: Allentown City Planning Commission and Staff

From: URDC, Charlie Schmehl (cschmehl@urdc.com)

Subject: Draft Mixed Use Overlay Zoning Ordinance

Please find attached a suggested revised draft for the Mixed Use Overlay Zoning District, which would apply to the former Allentown State Hospital lands south of Hanover Avenue. We have provided a clean version of the draft that is easier to read, along with a strikeout version that shows requested changes from the September 11, 2023 draft.

We appreciate the back-and-forth discussions that we have held with the City staff and Planning Commissioners, and have endeavored to be responsive to those thoughtful comments.

The following section provides some description of the issues involved in these latest requested changes, and the related comments that we received from City officials:

1. A question was asked about homeownership. The intent is to provide many types of housing units that more likely to be owner-occupied, including singles and a large number of townhouses. However, zoning ordinances in Pennsylvania are not allowed to regulate whether a dwelling is owner vs. renter occupied. Our attorney, Dennis McCarthy, has provided citations: See *Ludwig v. Zoning Hearing Bd. of Earl Twp.*, 658 A.2d 836 (Pa. Cmwlth. 1995); *County of Fayette v. Cossell*, 430 A.2d 1226 (Pa. Cmwlth. 1981).
2. Section D(1)(e). The vast majority of the residential buildings are proposed to be placed within 30 feet of a street right-of-way, with rear or side parking. However, we have some difficulties meeting this standard with the proposed larger apartment buildings. If the larger apartment buildings would not be built close to a street, then they would need to be separated from parking lots by a 20 feet wide landscaped area with trees.

One of the requirements would mandate that 90% of the townhouses cannot have front yard parking, but instead need rear parking or rear garages. There is one area where front yard parking cannot be avoided, which is an area of land north of the proposed extension of E. Hamilton St. This area of land is too shallow in depth to provide rear alleys.

3. Section D(1)(n). We were asked by the City Staff to add this provision to avoid “snout houses,” where the garages are an overly prominent part of the streetscape, because they are built in front of the dwelling along the street.

4. Section D(4). We were asked to better explain how the Open Land would be calculated. The minimum percent of the land to be preserved as “Open Land” is based upon the gross land area, prior to any subdivision.
5. Section D(5)(a). In response to a Planning Commissioner comment, the applicant will endeavor to provide a trail connection between the residential areas and the proposed flex space buildings. However, there is a significant change in elevation, which makes a trail design challenging. This change in elevation has the benefit of separating the different land uses.
6. Section E(2). These provisions were added in response to Planning Commissioner comments concerning trash dumpsters and trash containers.
7. Section E(4). We had previously proposed to use the B-2 downtown zoning provisions for business signs. However, the B2 provisions only allow a freestanding sign of 50 sq. ft. and 8 feet height, which is insufficient to serve the commercial areas of the proposed development along Hanover Av. Instead, we are now asking to use the B-3 district sign provisions for business development, which would allow a 100 sq. ft. sign of 25 feet height at the main entrance. A tentative design of this freestanding sign is shown on the illustrative sketch. The B-3 district currently exists to the immediate east and north of the site. Billboards would be prohibited.
8. Section F(2). Note that the Master Plan and the Tentative Plan must each include all of the applicant’s land. The Final Plan is intended to be submitted in phases over a number of years. All three types of plans need Planning Commission approval. The intent is that the applicant would submit all of the land within the zoning overlay as part of the Master Plan and the Tentative Plan, before a subdivision occurs.
9. Section F(2)(n). We were asked to state that the locations of sidewalks and driveways will be shown on the tentative plan.
10. Section G(1). This section describes how the preserved Open Land is proposed to be addressed across various phases. For example, the first phase may include enough preserved Open Land to meet the requirements for phases 1 and 2, so phase 2 would not need to provide additional preserved Open Land by itself.
11. Section H(2). A question was raised about street lights. The street lights would be addressed in the same as any other development. The expectation is that decorative street lights would be used to provide character to the development. Modern light fixtures aim the light exactly where it is wanted, and away from where the light is not wanted, to avoid too much light on residential properties and to avoid light from shining into the sky and obscuring views of stars.
12. Section H(4). A Planning Commissioner asked about the provision of bike paths. The main east-west collector road is proposed to include a parallel off-road paved bike path. The intent is to also provide for bicycle access along the main north-south entrance road from Hanover Av. The local roads should be suitable for bicycling along the cartway. Some of the proposed trails through the Open Land may be suitable for bicycles, or at least mountain bikes. Other potential bike paths can be discussed as part of the Tentative Plan design.

This revision would provide the Planning Commission with clear authority to require sidewalks where needed along private streets.



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13. Section I(4). The staff noted that an existing zoning requirement also allows a minor parking space reduction if bicycle racks or bicycle storage areas are provided.
14. Section K(7). The City has asked that the applicant include trails to connect to existing and proposed major pedestrian routes that extend off of the tract. Since a number of the existing streets are not proposed to be connected for motor vehicles (including Sherman St), it would be beneficial to provide a pedestrian connection to those streets.
15. Section L. Planning Commission members asked that provisions be added to address tree conservation. Tens of acres of wooded areas will be preserved as part of the preserved Open Lands. Also, the Final Plan requirements in the SALDO in Section 350-33 require that the applicant designate areas where existing concentrations of trees will be preserved or removed. That provision will also apply to a Final PRD Plan, which must meet the SALDO requirements.

Draft 8/2/23 - Allentown Zoning Amendment, With Highlighted Revisions
9/11/239/2810/4/23 to Address Allentown [Staff Planning Commission Member](#) Comments,

ORDINANCE NO. __ FILE OF CITY COUNCIL
BILL NO. __-__ -

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

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

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

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

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

district. An applicant shall have the option of developing property under the MUO District or under the underlying zoning district. Once a PRD Final Plan is approved under the MUO District, such land area shall be developed under the MUO District provisions, unless the applicant abandons the PRD Plan approval in writing or the PRD Plan approval is determined in writing by the City to have expired.

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

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

- (1) Single family detached dwellings, twin dwellings or two-family dwellings.
- (2) One or more apartment/multi-family dwellings within a building that includes a principal non-residential use.
- (3) Multi-family dwellings, including three or more dwelling units on a lot.
- (4) Rowhouse/townhouse.
- (5) Sample or model home.
- (6) Art gallery.
- (7) Bed-and-breakfast inn.
- (8) Business services.

- (9) Catering, preparation of food for (this use may be combined with a restaurant if the requirements for a restaurant are also met).
- (10) Commercial communications tower/antenna, non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height.
- (11) Custom crafts, manufacture and sale of (such as jewelry and handicrafts), or artisan's studio retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
- (12) Exercise club, or fitness facility, and/or an indoor or outdoor swimming pool.
- (13) Financial institution, which may include a drive-through facility.
- (14) Hotel or motel, which may include a restaurant and conference center.
- (15) Massage establishment involving services by a State-licensed Massage Therapist. All other commercial uses involving massages in private rooms shall be prohibited.
- (16) Offices of business, institution, profession, medical, or similar entity.
- (17) Personal services (such as barbershops, beauty shops, laundry and dry cleaning pickup and delivery, and closely similar uses).
- (18) Printing and duplication, commercial.
- (19) Recreation, commercial, indoor or outdoor.
- (20) Restaurant, without drive-through service.
- (21) Retail store.
- (22) Shopping center.
- (23) Tavern or nightclub, which may include a brewpub, micro-distillery or custom winery, which may include on-site consumption and retail sales for off-site consumption.
- (24) Theater, civic and/or cultural facility, arena, gymnasium, auditorium or sports stadium.
- (25) Trade school or similar educational institution.
- (26) Veterinarian ~~or animal day care~~, but not including ~~an overnight~~ kennel.
- (27) Research and development, engineering or testing facility or laboratory.
- (28) Adult day-care center.
- (29) Child-care center, nursery school, preschool or "Head Start" program center.
- (30) College or university, not including a dormitory.
- (31) Museum or visitor's center, and which include accessory retail sales.
- (32) Nursing home, assisted living residence, hospital or personal care home, provided each shall be licensed as applicable by the State of Pennsylvania.
- (33) Community center, non-profit.
- (34) Government uses, not including: prisons, other correctional facilities and solid waste facilities.
- (35) Membership club.
- (36) Place of worship, which may include an accessory day care center.
- (37) Public park, playground or other publicly-owned recreation facilities or non-commercial outdoor recreation areas, such as areas owned by a homeowner association.
- (38) Swimming pools, household or non-household, public or private.
- (39) Bus passenger shelters.
- (40) Small group home, which shall need special exception approval.
- (41)

- (42) Parking, off-street, public or private, surface, underground or structured, as a principal or accessory use of lot.
- (43) Public utility, such as electric substations, wastewater pump stations or water tanks, but not including vehicle garages, warehouses, or outdoor storage yards. This use may also include utility facilities owned by a property-owner association.
- (44) Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use.
- (45) Family child-care home.
- (46) Group child-care home.
- (47) Solar energy collection devices; Electric vehicle recharging stations as a customary accessory use.
- (48) Home occupation.
- (49) Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "custom crafts").
- (50) Warehousing as a customary accessory use to a permitted principal use of the lot.
- (51) Schools, elementary or secondary, public and private.
- (52) A maximum of 5 percent of the total land area of the PRD may be used for the following business uses, provided that such buildings shall be setback a minimum of 400 feet from any pre-existing dwelling unit structure in a residential district and a minimum of 200 feet from any proposed dwelling unit structure within the PRD:
 - (a) Moving and related storage business as a principal or accessory use.
 - (b) Offices, accessory warehousing and primarily indoor storage for a building tradesperson business.
 - (c) Flexspace buildings, which shall mean buildings including a combination of business uses that are permitted by right within a PRD, such as an office and sales area in the front of the building and an accessory warehousing area or building tradesperson use in the rear of the building.
 - (d) Manufacture of food or beverage products for human consumption, wood products, electrical or electronic products, or glass products.
 - (e) Industrial equipment sales and service, such as forklifts, conveyor belts and similar equipment.
 - (f) Manufacture or processing of products from materials manufactured off-site, such as from plastics, metals, glass or textiles.
 - (g) Packaging, bottling or assembly.

D. Area, yard and building regulations.

- (1) The following area, yard and building regulations shall apply for all uses, whichever is most restrictive. If more than one regulation within a section would apply to a use, then the most restrictive of those regulations shall be used.
 - (a) Maximum overall residential density: 30 dwelling units/acre for any phase of the PRD. The maximum overall residential density for the entire PRD shall be a maximum of 10 dwelling units/acre, based upon the total area of the tract. The maximum residential density shall be based upon the

“total area of the tract”, before the deletion of rights-of-way of proposed streets and before the deletion of proposed Open Land. Lots that are developed for business uses without any residential uses shall not count towards the overall residential density. Individual lots may exceed the maximum overall residential density, provided that the applicant proves that the maximum overall density for the entire PRD will continue to be met after the completion of each phase of development. For a nursing home, personal care home or assisted living facility, every 4 resident beds shall count as one dwelling unit, for the purposes of determining the maximum density.

- (b) Minimum lot area: 1.5 acres minimum for a principal industrial use or a principal institutional use. Minimum lot area of 5,000 square feet for a lot including one or more principal commercial or multi-family residential uses. Minimum lot area of 1,200 square feet for other lots. Lot dimensional requirements shall not apply to a lot that is only used for a water supply, air quality monitoring, wastewater pumping, electrical sub-station or stormwater facility or for a non-commercial outdoor recreation area or trail, provided that the lot shall have access for maintenance.
- (c) Minimum lot width and Minimum building width: 150 feet for an industrial use, and 20 feet for other uses. Each single-family detached dwelling, single family semi-detached dwelling, rowhouse/townhouse or commercial use shall have a minimum building width of 20 feet. Individual uses or buildings may be owned in a condominium arrangement, which may include shared parking and common maintenance of outdoor areas, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements as if individual fee-simple lot lines had been established. Where condominium ownership is proposed, a Declaration of Restrictive Covenants shall be established as a condition of Final Plan approval, for the respective phase.
- (d) Minimum building setback from the perimeter of the PRD tract: 20 feet, except a minimum of 40 feet from the lot line of a pre-existing dwelling in a residential district outside of the PRD for a proposed building of greater than 40 feet in height or for a multi-family residential building.
- (e) Minimum front yard setback: zero feet. At least a portion of each new single family detached dwelling, twin dwelling, two-family dwelling ~~or~~, rowhouse/townhouse dwelling or multi-family dwelling building containing 6 or fewer dwelling units shall be located within a maximum of 30 feet from a street right-of-way, unless the dwelling or building faces onto improved vegetated Open Land with a sidewalk or pathway. For ~~other principal residential~~ multi-family dwelling buildings, ~~at least a portion of 7 or more dwelling units that are located more than 30 feet from a street right-of-way,~~ the building shall be ~~placed within a maximum of 60~~

~~feet separated from one any off-street right-of-way line, unless a wider space is needed for an outdoor pedestrian plaza, outdoor café, or unless the building faces upon improved vegetated Open Land with a sidewalk or pathway vehicle parking lot by a planting and sidewalk area with a minimum width of 20 feet, and that includes trees.~~ A residential building may have vehicle access using a rear alley, shared parking area or a street, without necessarily requiring the building to have frontage onto a street. A minimum of 50 percent of all ~~dwelling units~~ residential buildings with 6 or fewer dwelling units shall front onto a street, with access and parking in the rear or side. ~~The front of each principal building shall be designated on the Tentative Plan, and shall include a pedestrian entrance and a walkway to reach a street.~~ A maximum of 10 percent of proposed new rowhouses/townhouses shall have front yard parking located between the front of the rowhouse/townhouse and the adjacent street right-of-way line.

- (f) Minimum rear yard setback: 8 feet, except 25 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and except 3 feet for a structure that is accessory to a dwelling.
- (g) Minimum side yard setback: 3 feet, except: 1) zero feet where buildings are approved to be attached within the development, 2) 20 feet from a proposed principal non-residential building to the lot line of a principal residential use on another lot, and 3) where a larger perimeter setback is required by subsection (d) above.
- (h) Notwithstanding (d), (e), (f) and (g) above, stormwater water controls shall: (1) have a setback consistent with the requirements of Chapter 355 Land Development Controls, and (2) ~~shall~~ not be required to meet zoning setbacks. Stormwater conveyance improvements: (1) are not required to have a setback from a property line, if approved by the City Engineer, and (2) grading may occur up to the property line.
- (i) Maximum building coverage: 70%. The maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. The City may require that certain lots include a deed restriction and notations on the approved plans limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time.
- (j) Maximum building height: 4 habitable stories or 65 feet, whichever is more restrictive. A building may also include a floor level that is partly or entirely below ground that is primarily used for vehicle parking or a basement that is used for storage and mechanical equipment. However, the maximum building height shall be reduced to 3 habitable stories or 45 feet, whichever is more restrictive, for any new dwelling unit that will be

within 200 feet from a pre-existing dwelling principal building in a residential district that is outside of the PRD.

- (k) Buffer strip: Not required, except a ten feet wide planted buffer strip meeting Section 660-76 shall be required if a pre-existing principal dwelling in a residential district that is not within the PRD tract is adjacent or across a street or alley from a new principal non-residential use, non-residential use parking lot or multi-family building. A minimum five feet wide buffer strip shall also be required between a new principal business use and a proposed or existing principal residential use on another lot within the PRD. The buffer strip shall be planted and maintained with an attractive and continuous landscape screen. The landscaping shall consist of primarily evergreen trees and shrubs with a minimum height when planted of 3.5 feet and in such numbers, locations and species as can reasonably be expected to produce, within three growing seasons, a year-round mostly continuous complete visual screen at least five feet in height.
- (l) Each single-family detached, twin and rowhouse/townhouse dwelling shall have a private outdoor area including a minimum area of 400 square feet for the exclusive use of that dwelling unit. Such outdoor area may be: a rear or side yard, in front of a dwelling, a courtyard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.
- (m) Open-sided solar panel canopies may be constructed over approved vehicle parking areas without needing to meet principal setback requirements and without being regulated by the Zoning Code as a building. Solar panel canopies shall meet accessory structure setbacks and shall not be allowed within the minimum front yard.
- (n) Front Garages. If a dwelling unit is allowed to have a garage door(s) facing onto a street, the garage door shall not be located more than 10 feet closer to the street-of-way than the majority of the front wall of the remainder of the house.

- (2) Uses allowed in underlying district. The applicant shall have the option of developing a use under the regulations of the underlying zoning district, instead of the provisions of the MUO District. In such case, all of the regulations of the underlying district shall apply instead of the regulations of the MUO District. Once a final PRD plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the MUO District shall be allowed.
- (3) Minimum non-residential uses. A minimum of 10 % of the total land area of the tract after completion of the development shall be occupied by principal non-residential uses and their parking, after deleting proposed Open Land from the calculation of total land area of the tract. Such land area may also include upper story dwellings. See also Section E.(1) below which sets a minimum size for a required pedestrian-oriented commercial area.

(4) Open Land. A minimum of 35% of the total land area of the PRD tract, measured prior to subdivision, shall be preserved as Open Land~~that is. Once the overall area of Open Land is established in the Tentative Plan approval, the applicant shall show how it will be met as part of each set of phases. For example, Phase 1 plans must show that at least 35 percent of the total land area of that phase will be preserved as Open Land, and then Phases 1 and 2 plans must show that at least 35 of the total land area of those two phases will be preserved as Open Land. The required Open Land is not required to be contiguous with each phase of development, provided that sufficient vehicle and pedestrian access is provided to the Open Land.~~

(a) Open Land shall be available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such Open Land shall include a landscaping and trail plan that takes into account existing healthy concentrations of trees and any areas proposed for outdoor recreational facilities.

(b) Such Open Land shall be regulated by a conservation easement or deed restriction established by the applicant and enforceable by the City of Allentown or its designee, which prohibits the construction of non-recreational buildings and the further subdivision of the required Open Land. ~~The required Open Land is not required to be contiguous with each phase of development, provided that sufficient vehicle and pedestrian access is provided to the Open Land.~~

(ac) Outdoor recreational facilities shall be landscaped and may include sidewalks, pathways, and structures typically included in active and passive recreational areas. Areas used for buildings or vehicle parking shall not count towards the Open Land requirement, except: 1) areas for rooftop active recreation facilities that are available to all residents of the building may count as Open Land areas, and 2) a non-commercial recreation building or parking necessary to serve recreation facilities may count towards the Open Land requirement.

(bd) See Section K. below regarding ownership.

(ec) The majority of the Open Land shall be focused on providing for non-motorized recreation trails, active and passive recreation, and the preservation of environmental sensitive areas. The Open Land shall also include areas designed to take advantage of scenic views.

(5) Trails. The MUO District offers flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this MUO District if the developer commits to providing a public trail system, which shall be open for public pedestrian access from sunrise to sundown, at a minimum.

(a) Such public access shall include a pedestrian trail with a typical minimum

width of 8 feet and a public pedestrian access easement with a typical minimum width of 12 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such trail may be gated and closed to the public between sunset and sunrise. The main trails shall include hard surfaces or compacted crushed stone that are designed to be usable by wheelchairs, but nature trails may also be provided in sloped areas of the preserved Open Land that are not hard-surfaced and not ADA-compliant.

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

E. Site and building layouts; Signs; Slopes.

- (1) The PRD shall include at least 2 acres that includes commercial uses and that is intended to accommodate pedestrian travel between uses. Such area may also include dwelling units or allowed business uses on the upper stories. Such 2-acre requirement may be met as part of any phase of the development.
 - (a) Within this pedestrian-oriented commercial section, off-street vehicle parking shall not be allowed between the front of the commercial buildings and the adjacent front street right-of-way line. If a commercial building abuts more than one street, this parking restriction shall only apply abutting the Primary Street Frontage. The required off-street parking for these commercial uses shall be provided to the side or rear of the buildings or on another lot or using on-street parking spaces.
- (2) Outdoor garbage collection facilities shall be surrounded by a decorative enclosure or plant screening. Trash dumpsters shall have lids and shall be conveniently located to serve uses and dwellings that do not have individual trash collection. Trash receptacles that are regularly emptied shall be provided by the landowner within commercial areas and any trailhead parking lot. Business truck loading docks shall be screened from pedestrian view along the front street right-of-way line and from existing dwellings outside of the PRD and proposed dwellings on other lots within the PRD.
- (3) A minimum of two streets shall enter the tract after completion. At least one inter-connected vehicle route shall extend through the bulk of the interior of the tract. The tract should have a central focal point, such as a landscaped central green space.

- (4) For portions of the PRD that are entirely residential, the sign regulations shall apply that would ~~otherwise~~ apply to the R-M district, or its successor zoning district. For other portions of the PRD, the sign regulations shall apply that would apply to the B-23 district, or its successor zoning district. Notwithstanding the foregoing, off-premises advertising signs shall be prohibited, except signs within the PRD of up to 20 square feet and up to 8 feet in height may be used to direct motorists to various uses within the PRD, provided the sign is approved as part of the Tentative Plan.
- (5) The regulations regarding development on steep slopes shall not apply to areas of steep slopes that the applicant shows were clearly man-made, such as areas that were graded previously for buildings, basins, quarrying or other features. The burden of proof shall be upon the applicant to show that slopes were man-made, such as by showing that grading occurred to develop a previous adjacent building. The alteration of all slopes shall result in stable conditions.

F. Submission and Approval Process. Development under the MUO District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Municipalities Planning Code are hereby included by reference.

- (1) Master Plan. The applicant ~~should~~shall first submit an overall Master Plan that includes all of the land controlled by the applicant within the MOU district. The Master Plan ~~should~~shall be to drawn to scale, at a level of detail typically found at a Sketch Plan stage. The Master Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
 - (a) The Master Plan may propose a range of allowed uses in various areas, as opposed to identifying each specific use. The Master Plan ~~should~~shall show the preliminary layout of streets, alleys, lots, public trails, recreation areas, major pedestrian and bicycle pathways, maximum heights of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.
 - (b) The Master Plan is intended to show the interrelationships and compatibility of various elements of the PRD.
- (2) After approval of a Master Plan, a Tentative Plan submittal shall be made that includes all of the land controlled by the applicant within the MOU district. The Tentative Plan submittal shall meet all of the submission requirements that are provided in Section 707(4) of the MPC, as well as sufficient information to show the feasibility of the proposed access points from existing public streets. The Tentative Plan shall be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission. The Tentative Plan shall include the following information:

- (a) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
- (b) the density of land use to be allocated to parts of the site to be developed;
- (c) the location and size of the preserved Open Land and the form of organization proposed to own and maintain the preserved Open Land;
- (d) the type of uses and housing in each land area and the approximate height, bulk and location of buildings and other structures, and the preliminary layout of lots, trails, recreation areas, major pedestrian and bicycle pathways, and major detention basins;
- (e) sufficient information to show the feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
- (f) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- (g) the provisions for parking of vehicles and the location and width of proposed streets, alleys and public ways;
- (h) the requested modifications in the City Land Development and Subdivision Ordinance and the reasons for the request;
- (i) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources;
- (j) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
- (k) a written statement by the landowner setting forth the reasons why, in the landowner's opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for Allentown;
- (l) a brief narrative describing how the proposed development is being coordinated with adjacent existing development; ~~and~~
- (m) delineation of streets that are proposed to be dedicated to the City, and streets that will be maintained by a legally binding property-owner association; and
- (n) the proposed location of public sidewalks and major trails and the tentative

[location of vehicle driveways.](#)

- (3) The Tentative Plan shall show all information that would be required as part of a Preliminary Plan under the Land Development and Subdivision Ordinance, except for information listed in this subsection (3). The following information shall specifically not be required to be submitted as part of a Tentative Plan, but instead shall be required as part of the Final Plan submission:
 - (a) Stormwater calculations.
 - (b) Housing numbering plans.
 - (c) Proposed monuments and lot markers.
 - (d) Species of plantings for landscaping plans, but the proposed locations of buffer strips and typical placement of street trees shall be shown on the Tentative Plan.
 - (e) Profiles of proposed sanitary sewage lines, storm drains and streets, except that the applicant shall show proposed maximum slopes of streets.
 - (f) Designs of culverts, manholes, catch basins, sidewalks and similar construction details, provided that the locations of sidewalks shall be shown.
 - (g) Locations of proposed electric, telephone and cable television lines and water and sewage laterals.
 - (h) Lighting plans.
 - (i) Detailed cross-sections are not required for all streets, but typical cross-sections shall be provided.
 - (j) Detailed grading plans are not required for individual buildings, but typical grading plans shall be provided.
- (4) The Tentative Plan may include a range of allowed business uses in a specific area, as opposed to identifying each specific use. The Tentative Plan may include two alternatives for a specific land area, such as having one layout for rowhouses/townhouses and one layout for twin homes, provided the alternative does not affect the location of public streets. Where two alternatives are shown in the Tentative Plan, one of those alternatives shall be chosen as part of the Final Plan.
- (5) The Tentative Plan shall be to scale and be designed to show how the PRD will comply with this Zoning Chapter. The Tentative Plan is not required to show compliance with Chapter 355 Land Development Controls, provided compliance will be addressed prior to approval of the PRD Final Plan or prior to

earth disturbance for a phase of development, whichever occurs first.

- (6) After a Tentative Plan has been approved, a PRD Final Plan shall be submitted, which may occur in phases. The Final Plan shall ~~need~~ be offered for review and comment by the Planning Commission, Bureau of Planning and Zoning, and Bureau of Engineering, and shall require approval by the Planning Commission.
 - (a) No sale of lots or construction of buildings shall occur until after: 1) an approved PRD Final Plan has been approved by the Planning Commission and has been recorded, 2) the applicant has proven they have met any conditions upon approval, and 3) acceptable financial guarantees for improvements have been established.
 - (b) A PRD Final Plan shall meet all of the requirements of this Zoning Chapter and Chapter 350, Land Development and Subdivision, that are not specifically modified by this section or by the provisions of the Municipalities Planning Code that governs PRDs. If a Preliminary Plan requirement was exempted from the PRD Tentative Plan submission, such requirement shall be met as part of the PRD Final Plan.
- (7) After the Final PRD Plan has been approved, zoning permits for individual uses and buildings may be approved, subject to compliance with the PRD Final Plan. If a proposed use or structure does not comply with the Final PRD Plan, then such revision to the Final PRD Plan shall be submitted for approval by the Planning Commission.
- (8) The Planning Commission may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.
- (9) Within 60 days after the filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Planning Commission in the manner prescribed in Article IX of the MPC.

G. Phasing, Impacts and Architecture.

- (1) Phasing. As each phase of development is granted Final Approval, the applicant shall provide evidence that the requirements of this MUO District will be met, even if later phases of development would not be completed. For example, Phase 1 must meet the PRD requirements, and then the combination of Phases 1 and 2 combined must meet the PRD requirements, but Phase 2 by itself does not

[need to meet every PRD requirement](#). This shall include, but not be limited to, providing evidence of compliance with the density, coverage and Open Land requirements. The preserved Open Land does not need to be contiguous to each phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan.

(a) ~~(a)~~ — If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revision of that portion of the Tentative Plan for approval by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect compliance with the zoning ordinance requirements, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

[\(b\) See Section F.2.\(j\) above concerning annual updating of the phasing schedule, which is a standard under the MPC.](#)

- (2) Architecture. To carry out the intent of Traditional Neighborhood Development, prior to a phase receiving Final PRD approval, the applicant shall submit the substance of draft architectural covenants to the Bureau of Planning and Zoning, the City Solicitor's office and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of Final Plan approval, prior to the recording of such plan. As part of zoning permit applications, an architectural sketch of the front facade of non-residential principal buildings, rowhouses/townhouses and multi-family buildings shall be submitted to the Bureau of Planning and Zoning for review. [The front side of each principal building shall be designated on the Tentative Plan.](#)
- (3) Covenants. The City may also require covenants, deed restrictions, or conditions upon a Final PRD Plan to address setbacks, landscaping, pedestrian access, fire access, and other matters necessary to carry out the intent of this Section.
- (4) Public access. The Final Plan shall describe the locations and extent of public access to trails and preserved Open Lands. [Public access may be limited to daytime hours.](#)
- (5) Transportation Impact Study (TIS) and improvements. As part of the Tentative Plan submittal, the applicant shall submit a TIS to the City, which shall be prepared by a qualified professional. Such TIS shall consider full build-out of the tract. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development, the impacts upon traffic, and improvements that the applicant proposes to complete or fund. Such traffic impact study shall be updated as needed as each final plan phase is submitted. Such TIS shall meet the published standards of the Pennsylvania Department of

Transportation that would apply as if a Highway Occupancy Permit would be required. If diagonal parking is proposed along a street, the traffic impact study shall assess the safety of such parking in that location.

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

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

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

- [3] Prior to initiating the TIS, the applicant's traffic engineer shall schedule a methodology meeting with the City Staff and any City traffic consultant to determine the following:
 - i. Study time periods and intersections;
 - ii. Data to be collected
 - iii. Methodology for trip generation, trip generation factors, trip distribution, and growth rate
 - iv. Programmed roadway improvements and planned developments to be considered in the study

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

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

- H. Subdivision and Land Development requirements. As authorized under the TND and PRD provisions of the Municipalities Planning Code, the Planning Commission may

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

- (1) The following are examples of street right-of-way and cartway widths that are intended to be approved for new streets, in addition to options that are allowed under Chapter 350, Land Development and Subdivision:
 - (a) A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, diagonal parking lanes of 18 feet each or 8.5 feet wide parallel parking lanes if parking is allowed, a planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks or pathways on each side of the street, and a right-of-way width that extends a minimum of ten feet on either side of the curbline. A collector street may also include a turn lane where warranted.
 - (b) A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8.5 feet wide parallel parking on one or both sides, a planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks or pathways on each side of the street and a minimum right-of-way width that extends a minimum of ten feet on either side of the curbline.
 - (c) An alley serving two-way traffic may be constructed with an 16 feet wide cartway and an eight feet minimum setback between the travel lane and any rear garage. Any alley shall be required to be maintained by a homeowner association and shall be designed to prevent use of the alley by through-traffic.
 - (d) The Planning Commission may require wider cartway widths as needed, considering the results of the traffic impact study. All streets shall include a right-of-way, including private streets, and which shall be used for measuring required setbacks.
- (2) Any street within the MUO District, whether public or private, shall meet the same minimum construction material requirements as would apply to any new street intended to be dedicated to the City under City ordinances, unless a modification is specifically approved by the Planning Commission.
 - (a) All private streets [and alleys](#) shall include an easement or right-of-way, [and setbacks shall be measured from that easement or right-of-way](#).
- (3) After receiving a recommendation from the City Engineer, the City Planning Commission may approve a requested modification to allow a portion of a local

private street to have a slope greater than provided in the Land Development and Subdivision Chapter.

- (4) Pedestrian sidewalks meeting Americans With Disabilities Act requirements shall be required on each side of every street that serves through-traffic and each public street, unless the Planning Commission approves an alternative pathway system that provides sufficient connectivity. In addition, the Planning Commission may require sidewalks abutting ~~other private~~ streets ~~under the requirements of the Land Development and Subdivision Ordinance where needed to provide connectivity, but sidewalks shall not be required abutting alleys~~. Sidewalks shall have a minimum width of 5 feet in residential areas and sidewalks shall have a minimum width of 6 feet in commercial and institutional areas.
 - (5) The street tree requirements in the Zoning Ordinance shall apply, provided there shall be flexibility in the locations of the required street trees, and provided the locations are approved by the City Planning Commission. For example, street trees may be approved to be placed immediately outside of a right-of-way or in an immediately adjacent area of Open Land. Sufficient space shall be provided for each street tree to thrive, which may include a vegetated surface, use of porous pavers near a tree, a tree grate or a tree well around the street tree. The location of street trees shall be subject to approval by the City Shade Tree Commission.
 - (6) The minimum centerline radius for a local residential street may be reduced to 125 feet.
- I. Parking and loading. The off-street parking and loading requirements of this Chapter shall apply, except for the following modifications:
- (1) Off-street parking may be shared by various uses and lots within the MUO District, provided that the developer shall demonstrate to the Zoning Officer that sufficient parking is provided on the tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that a method will be in place to guarantee that the shared parking will continue to be available within the required distance to all of the uses that are served by the parking during the life of those uses, such as a deed restriction or long-term lease.
 - (2) Off-street loading. Section 660-75 or its successor section shall apply.
 - (3) Under the authority of the MPC to modify requirements as part of a PRD or TND, the Planning Commission may reduce the required amount of off-street parking by up to 15 percent based upon the following considerations:
 - (a) The applicant's traffic study and any parking study that is provided;
 - (b) Evidence that is provided regarding the ability of various uses to share

parking, particularly if those uses have different time periods of peak parking demand;

- (c) The availability of public transit and/or any shuttle service that may be provided during periods of peak parking demand; and
 - (d) Data on parking demand that is provided based upon research of the Institute of Transportation Engineers or similar professional studies of developments.
- (4) An applicant may meet a maximum of 20% of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a new street adjacent to the use. Each space shall only be allowed to be counted once to serve one use.
- (5) As part of each phase of development and each zoning permit application for a new use or change of use, the parking requirements calculations shall be updated as needed, and submitted to the Zoning Officer.
- J. PRD modifications. Specific subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or Traditional Neighborhood Development, as provided in the Municipalities Planning Code. This may include, but shall not be limited to, modifications of street standards to allow a site design that is more pedestrian-friendly or that reduces environmental impacts. The Planning Commission shall consider any recommendations of the City Bureau of Engineering and/or Bureau of Planning and Zoning regarding modifications.
- K. Preserved Open Land. The proposed uses and method of ownership and maintenance of the preserved Open Land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved Open Land ownership or use that is inconsistent with the PRD Final Plan approval shall need Planning Commission approval in advance.
- (1) Required preserved Open Land shall be preserved through a permanent conservation easement that is enforceable by the City. The substance of the conservation easement shall be provided as part of the Tentative Plan application. The proposed primary holder of conservation easements shall be identified as part of the Tentative Plan approval. The legal form of the conservation easement documents concerning the preserved Open Land shall be approved by the City Solicitor as a condition of Final Plan approval.
 - (2) The preserved Open Land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.

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

L. Tree Conservation.

- (1) [For existing trees of over 36 inches caliper within 200 feet from the right-of-way](#)

of Hanover Avenue, the applicant shall submit a written assessment to the City of their condition by a qualified professional, as part of the Tentative Plan submission.

(1)(2) Temporary fencing shall be used to avoid damage to existing mature trees during adjacent construction activities.

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

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

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

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

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

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

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

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

SECTION FIVE: The provisions of this Ordinance are declared to be severable, and if any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impact any of the remaining provisions, sentences, clauses, sections, terms, phrases or parts of this Ordinance.

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



City of Allentown
Staff Report

All comments in the
report are advisory

To: Allentown City Planning Commission
From: Parks & Recreation, Planning & Zoning, Public Works
Meeting Date: September 12, 2023

Locations: 1600 Hanover Ave. (Rear), 1600 Hanover Ave., and 1900 E. Allen St.
Proposal: Create a new zoning overlay to allow mixed uses and varied building-types.
Applicant /Owner: City Center Investment Corp (JB Reilly)
Representatives:

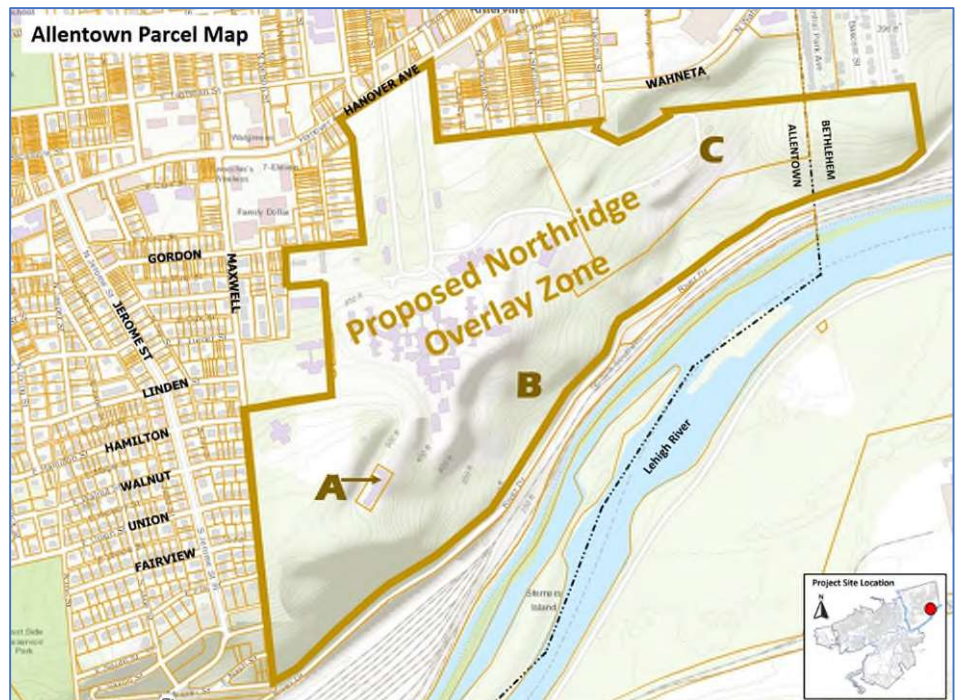
- Davison & McCarthy (Dennis McCarthy)
- Urban Research & Development Corp (Charlie Schmehl)

Case Number: Z 23-04

Description and Background

1. The applicant /owner proposes to establish a new overlay zone¹ that will govern the use of lands at the site of the former Allentown State Hospital.
2. To facilitate referencing, Fig-1 and the table in Page 2 identify these lands as Parcels A, B and C, which together aggregate to some 196.7 acres green- and brownfields.
3. The petition cites the following as purposes of the envisioned zoning overlay:
 - a. promote a coordinated mix of residential, business, institutional, recreational and open space uses in a manner that is pedestrian-friendly, transit-friendly and bicycle-friendly;

Fig-1. Parcel map of the vicinity showing the extent of the Northridge parcels and abutting streets.



¹ An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for properties in that geographic district, in addition to those of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments, housing along transit corridors, or affordable housing. (From: [American Planning Assn.](#))

	Ward Account No.	Acreage	Current Zoning	Proposed Zoning Change
A	156 284 000	1.6	Institutional and Government	Retain current zoning but create a overlay zone that will allow mixed uses and several building-types
B	156 212 000	165.8	"	"
C	153 975 000	29.3	"	"

- b. widen housing opportunities in the city, particularly for housing types that are in high demand;
 - c. properly relate to existing adjacent neighborhoods; and,
 - d. include a system of preserved open lands and trails, including preserved open lands that are integrated with residential areas.
4. Aside from prescribing allowable uses, the proposed overlay regulates densities, massing and height of structures, and proposes the master planning of areas with streets, community amenities and open spaces.
 5. The petition is accompanied by a draft legislation (Bill 81) to enable the proposed changes with repealer and severability clauses.
 6. Again, for ease in referencing this report will refer to the subject parcels collectively as Northridge.

Findings / Comments

This petition is for a zoning overlay, and associated text amendment, not a development plan or development proposal. With this in mind, the conceptual drawings submitted by the applicant are treated merely as ideas to illustrate the potential buildout of the overlay.

Planning Context

7. The whole of Northridge is currently zoned Institutional and Government (IG). This zoning class was created to provide areas for major governmental and institutional uses, including hospitals, related medical offices and colleges.
8. In 2020, all structures in Northridge have been demolished and the parcels are now deemed vacant lands (Fig-2). The lands surrounding Northridge have a variety of zoning districts for residential uses (for low- and medium-density housing), commercial uses (like neighborhood retail, and highway oriented businesses), industrial activities (like light assembly and manufacturing uses), and parks -- but most lands immediately abutting Northridge are zoned for residential uses (Fig-3).
9. Based on County records, most of the residential structures in the immediate vicinity of Northridge were built between the 1920s and 1970s. However, some have been standing there since the 1850s. The houses are mostly of the single-family type; 1 to 2½-stories. Multi-family buildings of 5 and more units are 2-stories. The dominant building materials appear to be brick. Vinyl material on sidings is dominant, as well.
10. *The proposed list of permitted uses (in Pages 3 and 4 of Bill 81) – for the most part – are typically allowed in most residential and business zones in the country. And, there are proposed uses in the list called ‘manufacturing’ and ‘warehousing,’ but these are uses*

associated with principal uses that were qualified by the applicant as light, artisan-type craft making. Overall, staff does not expect these uses to generate impacts that may be inimical to the established residential uses in the vicinity. Relatedly, Staff feels that the proposed uses are consistent with and will complement the existing neighborhood in the same way as we think the new uses are complementary to each other that -- with the right mix of uses in appropriate locations in Northridge -- may be expected to spur the desired dynamics of a healthy neighborhood.

Feasibility Study

11. In 2020, the City engaged Michael Baker International to prepare a Reuse Feasibility Study for Allentown State Hospital (Study). One of the intents of the plan was to have a resource when considering development plans, rezoning requests, and fielding concerns from community members. One of the purposes of the Study was to explore, among other opportunities and challenges, how the lands may be redeveloped. The Study offered three alternative concepts (i.e., Town Square, Grand Boulevard and Urban Plaza), all of which have the following principles that were constantly observed:
 - a. Mix of uses (residential, commercial/industrial, retail/office, institutional, parks)
 - b. Mix of housing types (singles, townhouse, multi-unit, seniors)
 - c. Retain alignments with existing streets.
 - d. Pedestrian connectivity
 - e. Land preservation.

Variations were noted in how much land may be dedicated to low-density housing, retail/commerce and industry.

12. For instance, Figure 4 (extracted from the Study) shows a matrix of the land uses, per concept based on how land uses will vary by concept. For instance, although the concept called Grand Boulevard will use the most acreage, it is estimated to produce the least number of residential units – but it may have more square footage for commercial uses.

Figure 4. Development Concepts Matrix and Land Use Comparisons

Summary of the three development concepts in the Study in terms of use by building square feet and acres, as well as residential units proposed.

Development Concepts Matrix	Town Square Concept				Grand Boulevard Concept				Urban Plaza Concept			
	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage
Residential		644	35.89	35.3%		524	14.4	12.0%		598	26.13	24.3%
Senior Living		141	4.93	4.8%		170	7.81	6.5%		143	4.51	4.2%
Office	206,400		2.79	2.7%	172,800		3.46	2.9%	268,800		3.98	3.7%
Flex Office	160,000		2.63	2.6%	240,000		4.6	3.8%	80,000		2.06	1.9%
Retail	92,800		3.3	3.2%	140,000		5.84	4.9%	124,973		4.58	4.3%
Industrial	—	—	—		330,000		33.45	27.8%	210,000		23.12	21.5%
School and Field			7.17	7.0%	Not Included				Not Included			
Green Preserve			90.14	88.6%			69.36	57.7%			82.62	76.9%
Park with Field	Included with School						2.07				3.35	
Other Green Space			1.36	1.3%			9.03	7.5%			1.7	1.6%
Total Use Acreage			58.06				80.67				69.42	
Other/Infrastructure Acreage			46.97				45.14				43.13	
Total Developed Area Acres			101.71				120.27				107.44	

13. While Staff (or the city for that matter) is not specially inclined towards any one of the concepts, the Study has been helpful in raising awareness to many development possibilities available in Northridge.
14. Figures 5a, 5b and 5c show the proposed distribution of land uses envisioned by the applicant and how it may be built out. The conceptual plan includes land for Senior Living, Townhouse/ Multi-family Flats, Garden Apartments, Single Family-Detached Homes, Healthcare, Educational, Retail/ Restaurant Mixed-Use, Multi-family Apartments, Flex Business Space, Park and Open Land.
15. The accompanying Northridge overlay regulations include a requirement for the preservation of at least 35% of open space. Additionally, a minimum of 10% of the remaining land area will be designated for non-residential uses. It's important to note that the maximum density allowed for any phase of the Planned Residential Development (PRD) is limited to 30 dwelling units per acre for each phase and capped at a total of 10 units overall (refer to ordinance for nuance in calculation). The proposed development envisions a maximum height of 4 stories, with an overall height limit of 65 feet. The design places the most intense residential components in the central portion of the parcel, strategically positioned away from the existing residential development. Furthermore, healthcare and commercial facilities are situated towards the front, near Hanover Ave, while the school is located along the western edge, adjacent to the existing land owned by the Community Services for Children site. This thoughtful placement underscores the applicant's commitment to maintaining compatibility with neighboring uses along the edges of the development.
16. Generally, the land uses and their placements appear similar to the land use concepts offered in the Study, though Northridge includes variations including but not limited to the percentage of distribution by use, and with a more intense residential focus.
17. Furthermore, City Staff offers the following general and specific comments, all meant to improve the envisioned overlay.

Approach to Text Amendments, Overlay, and Development Stage Reviews

18. The elements relating to the approach, land development process, format of the text, and a substantial portion of the content within the Mixed Use Overlay district (MOU) were modeled after the Riverfront Redevelopment Overlay (RRO) District. However, other elements have been adapted and customized to accommodate the specific requirements and objectives associated with the Northridge Development, ensuring a tailored framework for its desired build-out.
19. The primary objective of this agenda item is to assess the appropriateness of the overlay district on the map and to verify that the accompanying zoning district text, including associated uses and intensities, will establish a framework for development that is acceptable to the city and suitable for the neighborhood and community.

20. While the applicant has provided conceptual drawings. These drawings serve as illustrations to convey the applicant's vision and demonstrate a potential development scheme in accordance with the proposed development standards. These conceptual drawings are not being adopted at this stage.
21. Similar to the RRO district, the next phase of this development will involve the submission of a Planned Residential Development (PRD).
22. The PRD project process entails several key stages. After the approval of the text amendment and overlay, the applicant will submit a master plan for review and approval. Subsequently, the next phase involves the submittal of a Tentative Plan for the overall development. The tentative plan is similar to a Preliminary Plan, with some engineering details potentially omitted as permitted by the MPC. The contents and requirements for the Tentative Plan are outlined within the proposed code. At this stage, a comprehensive impact analysis will be conducted, encompassing factors including but not limited to traffic studies. Finally, each phase of the project will be submitted for Final Plan approval as the development progresses. The applicant will establish a set of architectural covenants as a condition of Final Plan approval, as well as any covenants and easements.
23. The general approach appears to align with the rules and regulations governing Planned Residential Developments (PRDs) as outlined in the Municipal Planning Code (MPC). The MPC stipulates that PRDs may have different subdivision and land development standards compared to those typically mandated by the municipality's subdivision and land development ordinance.

Technical Revisions

24. Although the concept plans are not being approved by any action taken today -- and can be revised as the project proceeds through the development process -- City Staff is offering the following revisions (tweaks, really) to the proposed amendments that will help support a walkable environment by requiring parcels that have their primary frontage on the street to access that parking in the rear.
25. The following suggested revisions come from multiple departments, including Planning, Engineering, Parks, and Zoning staff. These recommendations primarily focus on enhancing the project's overall coherence, compatibility with neighboring residences, and clarity in both intent and implementation. The following provides an overview of these suggestions.

Planning Staff Comments:

Intent: Establish vibrant and engaging street frontages

26. The project places a strong emphasis on preserving the views of the significant open space within the project area, which is a commendable objective. However, it is important to balance this with the need to maintain a streetscape that includes buildings with frontages on the primary streets and rear access, similar to the requirements of the TNDO. In light of this, staff recommends the following amendments to Section 660-53.1.D(1)(e) Minimum front yard setback:

- a. *Recommendation: Define primary street frontage. Dwellings must be designed to front on either a street or an open yard. Revise language to require a minimum of 50% of dwellings to front on a street with access and parking in the side or rear. For buildings fronting on a street, no new vehicle parking spaces shall be allowed within the area between the front lot line and the principal building. Consider adding a required frontage build-to zone to be measured from either the street or open space.*

Intent: Suggest adding height transitions next to existing neighboring single-family homes

27. The project acknowledges the presence of adjacent existing residential neighborhoods and proposes to incorporate a buffer to mitigate the impact of the development. The overall project is limited to a maximum height of 4 stories or 65 feet. In order to facilitate harmonious transitions in building heights, staff recommends the following amendments to Section 660-53.1.D(1)(j) Maximum building height:
 - a. *Recommendation: Revise to allow a maximum of 3 stories or 38' in height (height maximums in the adjacent RM and RML districts) for new dwelling units adjacent or across the street or alley from a preexisting residential dwelling unit that is not within the PRD.*

Intent: Ensure clarity in both intent and implementation

28. Planning staff recommends several additional text revisions to enhance clarity and proposes the inclusion of specific critical time frames as outlined in the Municipal Planning Code (MPC). These adjustments aim to provide guidance to future reviewers regarding a few key timeframes listed in the MPC.
 - a. 660-53.1.F – *Submission and Approval Process- In this section, or elsewhere in the text, specify the tract encompasses the entire MOU boundary*
 - b. 660-53.1.F.(1) – *Remove the words "by resolution" under the Planning Commission approval.*
 - c. 660-53.1.F.(2) – *Clarify the Tentative Plan to cover the area within the entire MOU boundary or tract.*
 - d. Section 660-53.1.D(1)(j) Private outdoor areas *Also allow private outdoor areas in the front of the dwellings*
 - e. *Consistent with the MPC, provide a statement: upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.*
 - f. *Consistent with the MPC, provide the following statement: Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this article, a public hearing pursuant to public notice on said application shall be held by the governing body or the planning agency, if designated, in the manner prescribed in MPC Article IX.*

Intent: Enhance future analysis and mitigation goals

27. Staff acknowledges that the current approval process involves the establishment of an overlay district on a map and the adoption of governing text. To provide clarity of the goal

to provide further impact analysis and mitigation, particularly concerning traffic-related considerations, staff recommends revisions to clarify this intent to 660-53.1.F.(2) as follows:

- a. *Add a statement that a requirement of the Tentative Plan shall be to include a detailed analysis of the project impacts, including but not limited to traffic, parks, water and sewer, schools, open space, stormwater and a description of any improvements necessary to mitigate potential impacts created as a result of the development.*
- b. *660-53.1.F.(5) – Strengthen the language under the traffic and safety improvements in order to achieve the following:*
 - i. *Clarify any traffic studies will meet PennDot standards*
 - ii. *Specify that improvements may be on or offsite*
 - iii. *Specify the city will hire an outside traffic engineer to review any traffic studies and that cost recovery fees will be charged to the applicant for evaluation of the required traffic analyses.*
 - iv. *Prior to initiating a traffic study, the applicant's traffic engineer must schedule a methodology meeting with the city and the city's consultant to determine:*
 1. *Study time periods and intersections*
 2. *Data to be collected*
 3. *Methodology for trip generation, trip generation factors, trip distribution, and growth rate*
 4. *Programmed roadway improvements and planned developments to be considered in the study*

Parks Staff Comments:

28. Parks staff has reviewed the text, and their primary objective revolves around ensuring that park planning, easements, and maintenance responsibilities and agreed upon at the earliest stages of the development process, and that trail connectivity is established.
 - a. Section 660-53.1.K. currently states, 'method of ownership and maintenance of the preserved Open Land shall be approved by the Planning Commission as part of the PRD approval.' *Staff recommends revising this section to state the easement holders must be identified and specify that this approval process will take place during the tentative plan stage of the PRD.*
 - b. *To optimize trail utilization and connectivity, Parks staff suggests to revise the text to include a goal to connect to Keck Park and the East Side Reservoir. Parks staff also proposes the requirement to include a parking lot on the tentative plan to facilitate visitor access and trail utilization. Staff recommends revisions to Section 660-53.1.K to acknowledge these goals.*

Zoning Staff Comments:

29. Zoning staff has conducted a comprehensive review of the text, with the primary focus on ensuring its clarity, consistency with terminology and standards used elsewhere in the code, and the inclusion of necessary cross-references. It is important to note that while there are numerous proposed changes, their primary intent is to enhance clarity and should not significantly alter the substantive aspects of the overall project.

- a. *Must add an amendment to 660-31 to add a purpose statement for the Mixed Use Overlay District.*
- b. *Must add an amendment to 660-27 to add Mixed Use Overlay District to list of districts.*
- c. *660-53.1A revise Editor's Note – "Said exhibit is available from the City offices." This will also be available in other offices not only zoning.*
- d. *660-53.1B(3) See 660-53.1F(2) and RRO wording in section 660-50G(2)(b). Any revisions that impact zoning ordinance compliance should be revised in the tentative plan.*
- e. *660-53.1B(4) change wording: function properly to function independently or to be self-sufficient.*
- f. *660-53.1C(10) change to text from RRO for Commercial Communications tower/antenna. Remove text regarding Chapter 545. That chapter and the right of way are not regulated by zoning.*
- g. *660-53.1D(1) Be more descriptive as to "whichever is most restrictive." This needs to be clearly understood and interpretable by the Zoning Officers. Whichever of these regulations that apply to the situation shall be most restrictive? For example, (b) 1.5 acres, 5,000 sq ft or 1,200 sq ft. 1.5 acres is the most restrictive, but wouldn't apply to all uses. If more than one regulation within a section would apply to the use, then the most restrictive of those regulations shall be used.*
- h. *660-53.1D(l) change townhouse to rowhouse/townhouse to be consistent with the wording in the permitted uses section.*
- i. *660-53.1E(1)(a) "If a commercial building abuts more than one street, this parking restriction shall only apply abutting one of the streets." This should detail which street frontage the parking would be allowed to abut. I would assume parking would not be wanted along the primary street frontage.*
- j. *660-53.1(2) what are the buffering or screening requirements?*
- k. *660-53.1(5) add details as to what documentation shall be provided to the zoning officer, city engineer, and/or planning commission that proves the areas are man made steep slopes. This is too permissive as written and can be too loosely interpreted. What might be clear for one person may not be clear for another.*
- l. *660-53.1G(2) Sketch should be provided for any buildings to ensure compliance with design guidelines.*
- m. *660-53.1H(1)(a) & (b) parking stall widths are 8.5' not 8', unless different for Engineering within right of way.*
- n. *660-53.1H(5) The location of trees are approved by the City Shade Tree Commission.*

- o. 660-53.1I(3)(b) typo "period time periods."*
- p. Section 2 – Open Lands – definition does not mention the rooftops that are counted as open land in 660-53.1D(4)(a)? Will that area be restricted as well?*

Conclusions

The Northridge development presents a mixed-use development plan that prioritizes compatibility with neighboring structures and uses, emphasizing substantial open space and dedicated trails. The project will undergo continuous refinement as it progresses through the land development process. As noted throughout, this application is for a text amendment and overlay district. In accordance with the Municipal Planning Code (MPC), any proposed amendments must be submitted to both the local planning agency and the County planning agency at least 30 days prior to a public hearing.

City staff has provided revisions aimed at enhancing the clarity and refining the overall development concept. The Planning Commission may provide further comments and recommendations to optimize the Northridge project, ensuring it aligns with the city's objectives and the overall community.

Figure 2. (Generalized) Zoning in the Vicinity

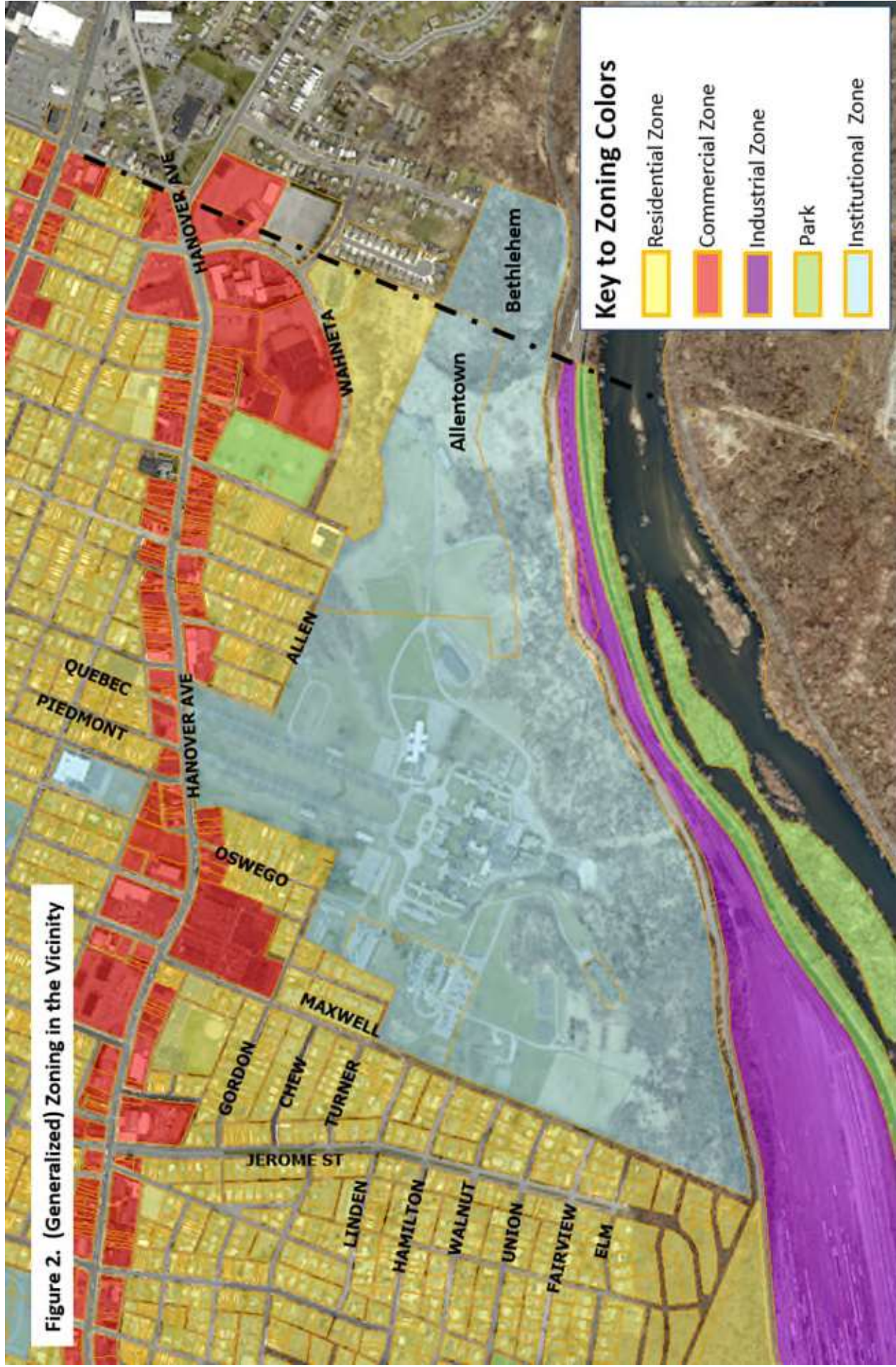




Figure 4. Development Concepts Matrix and Land Use Comparisons

Summary of the three development concepts in the Study in terms of use by building square feet and acres, as well as residential units proposed.

Development Concepts Matrix	Town Square Concept				Grand Boulevard Concept				Urban Plaza Concept			
	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage	Building SF	Residential Units	Lot Use by Acres	% of Developable Acreage
Residential		644	35.89	35.3%		524	14.4	12.0%		598	26.13	24.3%
Senior Living		141	4.93	4.8%		170	7.81	6.5%		143	4.51	4.2%
Office	206,400		2.79	2.7%	172,800		3.46	2.9%	268,800		3.98	3.7%
Flex Office	160,000		2.63	2.6%	240,000		4.6	3.8%	80,000		2.06	1.9%
Retail	92,800		3.3	3.2%	140,000		5.84	4.9%	124,973		4.58	4.3%
Industrial	—	—	—	—	330,000		33.45	27.8%	210,000		23.12	21.5%
School and Field			7.17	7.0%			Not Included				Not Included	
Green Preserve			90.14	88.6%			69.36	57.7%			82.62	76.9%
Park with Field			Included with School				2.07				3.35	
Other Green Space			1.36	1.3%			9.03	7.5%			1.7	1.6%
Total Use Acreage			58.06				80.67				69.42	
Other/Infrastructure Acreage			46.97				45.14				43.13	
Total Developed Area Acres			101.71				120.27				107.44	

Figure 5a. Distribution of Land Uses

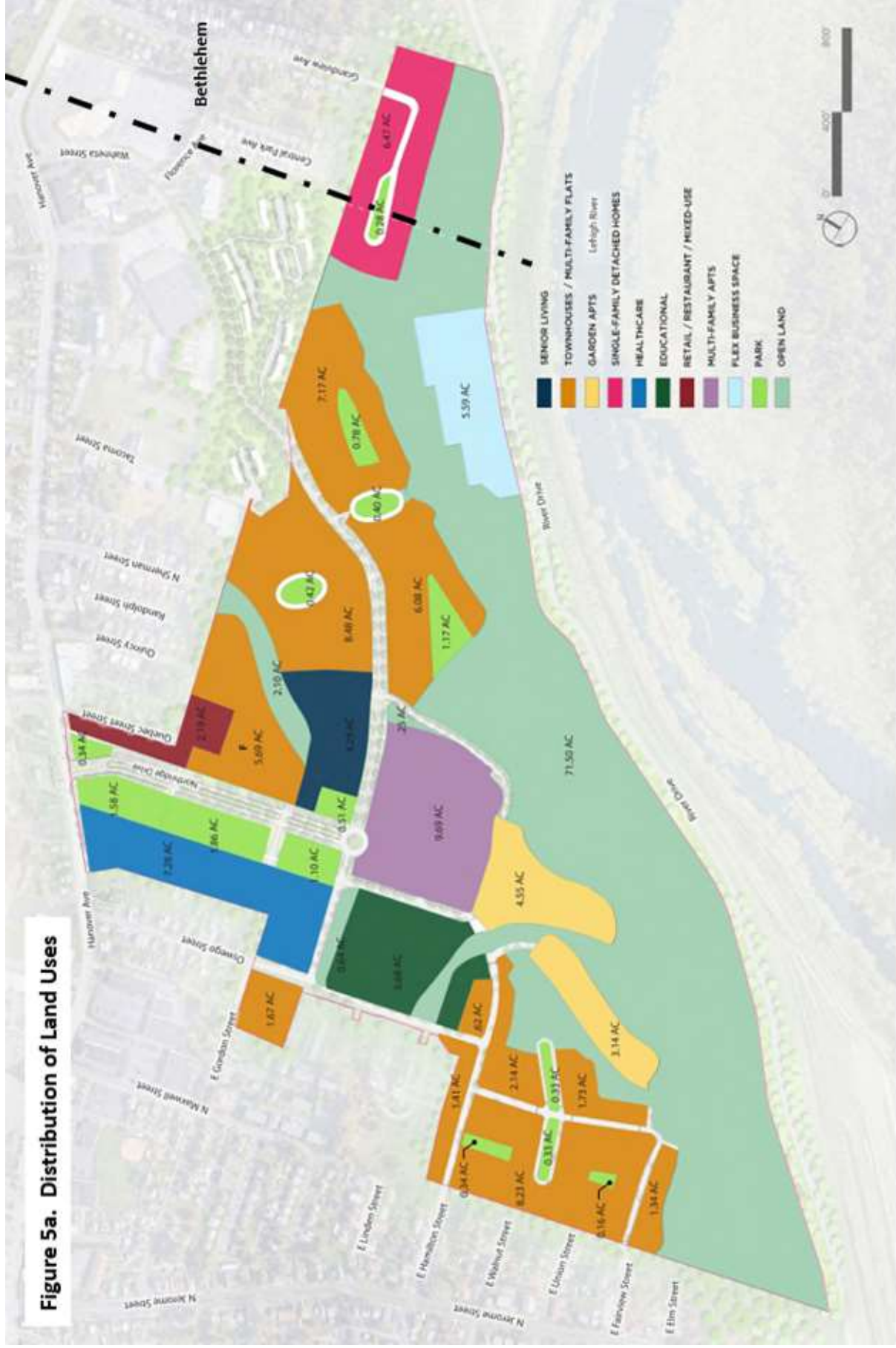


Figure 5b. Concept Plan



CONCEPT PLAN

August 3, 2023





Excerpts from the **DRAFT** Minutes of the Meeting
Allentown City Planning Commission
October 10, 2023

**Zoning Change (Create Mixed-Use Overlay)
Northridge Development**

Staff (Jennifer Gomez) summarized the staff report and comments.

Dennis McCarthy, attorney representing the project, reiterated thanks to the Commission for providing so much feedback. The attorney spoke of the track change version so they could see where the changes are. He talked about the three-step process to make sure that this project stays on track. Charlie Schmehl (project consultant, City Center) discussed the changes since the last hearing. He said that he is working off the 9-29-23 memo that is included within the backup. He stated that he cannot address ownership in a zoning ordinance, but they can propose zoning types that would be attractive to homeownership. There was a lot of discussion of placing buildings close to the street. They have always endorsed this concept but had concerns about the large apartment buildings. They have worked with staff and gave a specific approach for multi-family. He said that 90% of the townhomes will have rear yard access off of the alleys. Mr Schmehl noted that he added a provision to deal with snout housing. He clarified this was revised. They added more comments about trash dumpsters. He mentioned changes to the signage. He said that all sidewalks and drives would be part of the tentative plan. He said streetlights would be resolved at the detailed plan stage. For bike paths, they are proposing a major bike path east/west. They will look at which trails can also accommodate bicycles. He noted that they gave Planning Commission authority to require sidewalks on private streets. He talked about stub streets. They will add sidewalks to the stub streets. They were asked to make sure the east side reservoir link is provided as well as Keck Park. They referenced the western trail connection. For tree preservation, he noted that there are tens of acres that will be preserved with a conservation easement. Those areas will remain wooded. They also added a requirement to assess the trees within 200' of Hanover Ave.

Mr McCarthy closed by stating that the amendments spoke for themselves.

Chris Brown asked about the extensions. Charlie clarified the approval does not expire but they will need to report annually. If there are revisions that substantially change the tentative plan, the applicant will need to come back.

Chris thanked the commissioners for their comments, and staff and applicant for getting everything revised. He appreciates the time to review in advance of the meeting. He understands the LVPC has not reviewed. He also suggests to city council to take into consideration the LVPC report when it is prepared. Damien asked if there was anyone on the call. Priscilla clarified there is no one who wants to comment on this agenda item.

Toth asked the engineer if the roadways follow the existing line and grade of the existing infrastructure that is there. Paul McNemar, the project engineer, said that that main roads are set to follow the main road so they can preserve the trees. They are also looking to extend Wahneta Street. There are a few alignments that will take place. And then it was a matter of connecting the neighborhoods.

Toth asked about the Grandview Ave single family homes. He noted this would have an impact to the trees. He asked if it could be connected to the other sections of the development. Paul stated that creating an additional connection would require some substantial earthwork. He also didn't want to put too much traffic into Grandview in Bethlehem.

Toth said it is his preference to require a forestry plan in terms of the existing stock. He wants a professional to assess the stock of the trees and also overlay how the proposed development will impact the trees. Chris said that he agrees with the goals of tree preservations, but also notes that there is not a tree preservation requirement. He thinks that their proposal is a compromise and sees a need for fairness of this. Toth stated that he is not out of bounds.

Charlie said the bulk of the forest land would be in the conservation easement. They are looking into a management plan to decide what will be removed, planted, and how to preserve. He said that they intend to work with Wildlands Conservancy.

Mr McCarthy stated that one of the conditions they had to agree to was to give the Wildlands Conservancy the land through an easement. Robert DiLorenzo clarified it is roughly 70 acres and is roughly the housing south to River Road. He said that the Wildlands will do their own detailed assessment. He also noted that they offered the assessment for the trees within 200'. He wants to save what they can during their planning.

Damien added that he doesn't think every tree is an old growth tree, which merits saving. A lot of it is overgrowth since the State Hospital closed. He appreciates the applicant's position that some discretion will need to be applied when the project is developed. He thinks the 70 acres consists at least 60 percent of the trees.

Mr McCarthy stated that the 35% open land requirement, and the requirement for a conservation easement, plus their commitments to the concept should give the commission comfort.

Toth asked what guarantees the city has to ensure Wildlands Conservancy will get the easement. The attorney stated there is a deed restriction requiring the easement. This was part of the agreement of sale. It is a requirement that runs with the property.

Damien said that he has questions about the cul-de-sac and school transportation and emergency services.

Mr DiLorenzo explained that they are still trying to figure out the best timing for the easement, because they don't want to do it too early and restrict the engineering.

Damien said he has no further comment. He appreciates the additional time.

Kelli wanted to thank the applicant for addressing her comments.

Hannah noted that she appreciated the responsiveness of the applicant. She thinks the model will give a good amount of review.

Chris asked if there was anyone from the public or online. No response. Priscilla confirmed that no one online had comments.

Toth asked Charlie if there was unlimited time and resources – would he make any changes.

Robert noted the number of specialized consultants that are here today, and it shows the multidisciplinary nature of their effort.

Chris stated it will next go to Council, and LVPC will make their comments.

Favorable recommendation to incorporate the feedback from the LVPC before the City Council meeting and City Council to take into consideration the review from LVPC. Motion made by Damien. Hannah made a motion to second.

All voted in favor = 5/0