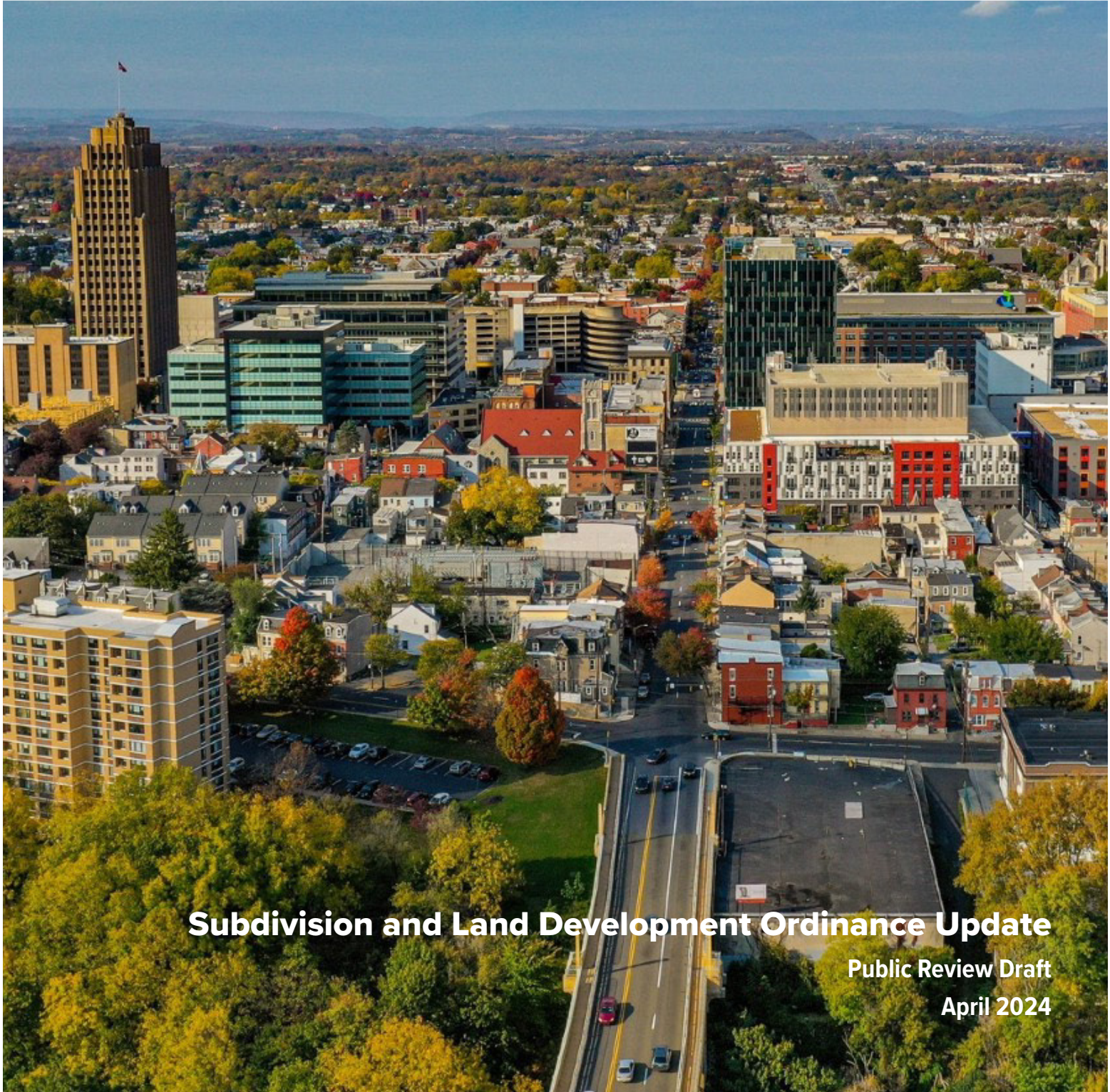




**Allentown**  
FORMING TOMORROW'S CITY TODAY



**Subdivision and Land Development Ordinance Update**

Public Review Draft

April 2024

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# **ARTICLE 1      INTRODUCTORY PROVISIONS**

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**350-1 Legal Framework**

**350-1.A TITLE**

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

**350-1.B AUTHORITY**

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

**350-1.C EFFECTIVE DATE**

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

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

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

1 20 days after passage of ordinance by council and approval by mayor.

- (6) No certificate of occupancy may be issued by the city until land development improvements are substantially completed as certified by the City Engineer.

**350-1.E PURPOSES**

This ordinance is adopted for the following purposes:

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

(12) To provide for adequate open space through the most efficient design and layout of the land.

**350-1.F POLICY**

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

**350-1.G MINIMUM REQUIREMENTS**

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

**350-1.H COMPLIANCE REQUIRED**

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

**350-1.I CONFLICTING PROVISIONS**

- (1) **State Law.** If the provisions of this ordinance conflict with state law, state law prevails and governs.
- (2) **Other City Regulations.** If the provisions of this ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.
- (3) **Private Agreements and Restrictions.** The regulations of this ordinance are not intended to abrogate or annul

any easements, covenants, or other private agreements or restrictions.

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

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

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

**350-2 Transitional Provisions**

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

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

**350-2.B PREVIOUS VIOLATIONS**

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

**350-3 Enforcement**

**350-3.A VIOLATIONS**

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

**350-3.B ENFORCEMENT REMEDIES**

- (1) Any person, partnership or corporation who or which has violated the provisions of this ordinance enacted under authority of the Pennsylvania Municipalities Planning Code or other enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the city, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the city as a result thereof. No judgment may commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the city may enforce the judgment pursuant to the applicable rules

of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which case there is deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues constitutes a separate violation.

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

**350-3.C LIABILITY**

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

**350-4 Civil Enforcement**

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

remedies are in addition to the penalties described above.

**350-5 Severability**

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



**ARTICLE 2      DESIGN AND IMPROVEMENTS**

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**350-6 General Improvements**

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

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

**350-6.B MONUMENTS**

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

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

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

Land that the city determines is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, utility easements, or other features reasonably determined to be harmful to the safety, health, and general welfare of existing or future

inhabitants of the development or its surrounding areas, may not be developed unless adequate measures are formulated by the developer to eliminate or mitigate the problems created by the unsuitable land conditions and such measures are approved by the Planning Commission. (12369 §1 7/18/79)

**350-6.D GENERAL STANDARDS**

- (1) All portions of a tract being subdivided must be included in lots, streets, public lands or other proposed uses so that remnants and land-locked areas are not created.
- (2) Land developments must be laid out so as to avoid the necessity for excessive cut and fill.

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

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

All site grading must comply with Section 355.10 of the Land Development Control Ordinance.

**350-7.B RETAINING WALLS**

- (1) All retaining walls that will result in an exposed height of 4 feet or more or that will be subject to loading by vehicular traffic must be designed by a professional engineer experienced in the design of retaining walls.
- (2) Conceptual designs must be included in the land development design drawings to ensure the walls will be dimensionally capable of being constructed within the limits of the development without impacting adjoining properties or right-of-way.
- (3) Notations must be added to the land development plans indicating that detailed structural retaining wall design drawings will be submitted for review and be subject to approval by the city's third party reviewer during the review of building permit plans.

**350-8 Lot Improvements**

**350-8.A LOT ARRANGEMENT**

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

**350-8.B LOT DIMENSIONS**

- (1) Lot dimensions must comply with all applicable Zoning Ordinance regulations.
- (2) The Planning Commission is authorized to deny approval of irregularly shaped lots and lots that have excessive depth in relation to width.
- (3) Lot lines must be at right angles to street lines (or radial to curving street lines) except when the Planning

Commission determines that alternative designs would result in a better street or lot plan.

- (4) When feasible, lot lines must follow municipal boundaries, with such boundaries preferably coinciding with rear property line. In all cases, buildings on lots must be wholly within a single municipality.
- (5) The depth and width of lots intended for business, commercial, or industrial use must be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance. (12779 §12 7/15/87)

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

- (1) Double or reverse frontage lots are ~~discouraged prohibited except~~ and are allowed only when deemed essential appropriate by the city to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or lot configuration or orientation. When double-frontage lots are approved they are subject to the regulations of double-frontage lots regulations in Sec. 660-15 of the zoning ordinance. (12779 §12 7/15/87)
- (2) Lots ~~may not, in general, that~~ derive access exclusively from an arterial street are discouraged and are allowed only when the city determines that no other alternatives are feasible. When a driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may request that such lots be served by a combined access street in order to limit possible traffic hazards on such street. When possible, driveways must be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or collector streets. (12779 §12 7/15/87)
- (3) When land has been dedicated for a widening of existing streets, lots must begin at such new street line (right-of-way) and all setbacks must be measured from such line. (12779 §12 7/15/87)
- (4) All new lots must have frontage on a public street that connects to other public streets. (12779 § 12 7/15/87)

**350-8.D LOT GRADING**

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

**350-8.E PROTECTION DEVICES**

Developers are required to furnish and install protective devices such as, but not limited to: fences, guard rails, walls and street barricades whenever the Planning Commission or the City Engineer determines that a hazardous condition

may exist. Such protective devices must be constructed to standards established by the City Engineer and shall be clearly identified (including required height and material) on the final plan. No certificate of occupancy may be issued until required protection devices are in place. (12779 §12 7/15/87)

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

- (1) All subdivisions and land developments involving new residential lots, other than those to be occupied by single-household detached houses, must be designed to provide for rear-yard parking, except when otherwise specified in the zoning ordinance.
- (2) Exceptions may be granted in cases when the requirement would impose unnecessary hardship due to existing physical or topographical conditions or would conflict with efforts to implement Low Impact Development in furtherance of Section 538-12.I of the Stormwater Management Ordinance. The Planning Commission is authorized to decide on exceptions for major subdivisions. A committee composed of the City Engineer, the Traffic Engineer and the Planning Director is authorized to decide on exceptions for Minor Subdivisions. (12779 §23 7/15/87)

**350-9 Streets**

**350-9.A GENERAL REQUIREMENTS**

- (1) **Streets**
  - (a) The location and width of all streets must conform to City Ordinances, Block Plans and Plans of Record. (12779 §13 7/15/87)
  - (b) When unopened (stub-out) streets exist abutting a proposed land development or subdivision, the applicant must make application to the city to vacate the portion of the street that abuts their property unless an exception is granted by the City Engineer.
- (2) **Grading and Improvements Plan.** Materials and construction standards for streets, curbs, gutters, storm and sanitary sewers and sidewalks must conform to city standards, and construction and installation of facilities must conform to city specifications and are subject to inspection by the City Engineer. (12779 §13 7/15/87)
- (3) **Topography and Arrangement**
  - (a) Streets must be logically related to topography so as to produce reasonable grades. All streets must be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets must conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. (12779 §13 7/15/87)

- (b) The proposed street system must extend existing or recorded streets at the same width or wider as deemed necessary by the City, but in no case at less than the required minimum width. (12779 §13 7/15/87)
  - (c) All thoroughfares must be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers to population densities; and to the pattern of existing and proposed land uses. (12779 §13 7/15/87)
  - (d) New half, or partial, streets are prohibited except when essential to reasonable development of a tract, and when, in addition, satisfactory assurance for dedication of the remaining part of the street is provided. (12779 §13 7/15/87)
  - (e) Whenever a proposed development borders on existing half or partial street, the remaining portion of the street must be plotted within the proposed development. (12779 §13 7/15/87)
  - (f) When a development abuts an existing street of improper width or alignment, the city may require the dedication of land within the subject development sufficient to widen the street or correct the alignment. (12779 § 13 7/15/87)
  - (g) When, in the opinion of the City Engineer, it is desirable to provide for street access to adjoining property, street stubs must be extended by dedication to the boundary of such property. (12779 §13 7/15/87)
  - (h) In business or industrial developments, the streets and other access ways must be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle. (12779 §137/15/87)
- (4) **Blocks.** In general, intersection streets determine block length. The size and pattern of blocks must be designed in compliance with the following:
- (a) The length, width, and shape of blocks must be determined with due regard to the provision of adequate sites for buildings of the type proposed, existing patterns, zoning requirements, topography, and the requirements for safe and convenient vehicular, bicycle, and pedestrian circulation. (12779 §13 7/15/87)
  - (b) When practicable, blocks along arterial and collector streets must be at least 1,000 feet in length. Blocks along other streets may not exceed 1,000 feet in length nor be less than 500 feet in length unless an exception is granted by the City Engineer. In approving exceptions, special consideration must be given to the requirements of satisfactory fire protection and whether the modification reduces impervious area or impacts to natural resources.
- (c) Pedestrian crosswalks may be required to facilitate pedestrian circulation and give access to community facilities. Such crosswalks must conform to all applicable city standards. (12779 §13 7/15/87)
  - (d) Blocks in commercial and industrial areas may vary from the elements or design detailed above if the city finds necessary for the protective use, including adequate provision for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers. (12779 §13 7/15/87)
- (5) **Street Names.** Street names may not duplicate or closely approximate, phonetically, the names of existing streets in the city, except that streets which are in obvious alignment with existing streets must generally bear the name of the existing street. (12779 §13 7/15/87)
- (6) **Street Regulatory Signs.** Street signs are to be placed within the development, the type and location of which are to be approved by the Traffic Engineer. (12779 §13 7/15/87)
- (7) **Street Lights.** Street lights must be provided in accordance with design and specification standards promulgated by the Pennsylvania Power and Light Company (P.P.& L.). (12779 §13 7/15/87)
- (8) **Reserve Strips.** Reserve strips are not permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street. (12779 §13 7/15/87)
- 350-9.B DESIGN STANDARDS**
- (1) **General.** In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads apply except when such standards are waived at the discretion of the City Engineer.
- (a) **Street Width and Grade**
    - [1] Street right-of-way and cartway width must comply with the regulations of [Table 132-1](#), and street grades, in general, may not exceed the

standards established in [Table 132-1](#), with due allowance for reasonable vertical curves.

- [2] Additional right-of-way and cartway widths may be required by the City Engineer for the purposes of promoting the public safety and convenience or to provide parking in commercial and industrial developments. (12779 §13 7/15/87)
- [3] Streets at a grade of 10% may not exceed 300 feet in length. (12779 §13 7/15/87)
- [4] Minimum grade on any street may not be less than 1.0%.

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

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

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

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

**Table 132-2. Horizontal Curves**

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

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

**Table 132-3. Vertical Curves**

CLASSIFICATION	DISTANCE (FT)
Arterial	600
Collector	300
Local	300

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

**Table 132-4. Sight Distance**

CLASSIFICATION	DISTANCE (FT)
Arterial	350
Collector	275
Local	200

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

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

**Table 132-5. Curb Radius**

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

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

- [4] Intersections with arterial or collector streets may be not less than 1,000 feet apart, measured from centerline to centerline along the centerline of the arterial or collector street. Local streets intersecting with collector or service streets must be at least 300 feet apart. (12779 §13 7/15/87)

- [5] Streets entering opposite sides of another street must be laid out either directly opposite each other or with a minimum offset of 150 feet between their centerlines. (12779 §13 7/15/87)
- [6] Intersections must be approached on all sides by a straight leveling area, the grade of which may not exceed 2% within 10 feet from the intersecting curblines or 5% percent within 50 feet from the intersection of street centerlines. Vertical curves must then be used to connect the intersecting grades. (12779 §13 7/15/87)
- [7] Clear sight triangles must be provided at all street intersections. Within such triangles, no vision obstructing object is permitted in excess of 30 inches in height above the elevation of the intersecting streets. Such triangles must be established for a distance of at least 75 feet from the point of intersection of the centerlines to all streets. (12779 §13 7/15/87)
- [8] The control of grades, curvature, and obstructions is required to ensure adequate sight distance for safe and efficient vehicular operations. Consideration for sufficient stopping, passing, and intersection sight distances is required. Design standards for the noted sight distance must be in accordance with PennDOT and/or AASHTO standards.
- [9] Minimum required tangential distances between reverse curves are 500 feet for arterial streets, 350 feet for collector streets, and 100 feet for local streets. The tangent distance between the curve at a right angle intersection and a street curve must be at least 30 feet. (12779 §13 7/15/87)

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

- [1] Dead-end streets are prohibited, unless designed as a cul-de-sac or other city-approved geometry designed for access exclusively to adjoining properties. (12779 §13 7/15/87)
- [2] Any street dead-ended for access to an adjoining tract or because of authorized stage development must provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround must be guaranteed to the public until such time as the street is extended. (12779 §137/15/87)
- [3] Streets designed and approved as permanent Cul-de-sacs may not exceed 500 feet in length.

- [4] The closed end of all permanent and temporary cul-de-sac streets must have a minimum radius to curb line of 48 feet, and the turnaround must be fully paved except that a center island consisting of low-growing vegetation or a stormwater BMP may be approved in residential areas where such island is designed to not interfere with fire protection.
- [5] The centerline grade on a cul-de-sac street may not exceed 10%, and the grade of the diameter of the turnaround may not exceed 5%. (12779 § 13 7/15/87)
- [6] Alternative turn-around designs may be approved by the City Engineer.

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

~~Alleys are prohibited in subdivisions for single-family detached residences, except when required to avoid direct driveway access to arterial streets or collector streets. (12779 §13 7/15/87)~~

- [1] ~~When permitted, a~~Alleys in residential developments must have a minimum paved width of 16 feet. (12779 §13 7/15/87)
- [2] Dead-end alleys are prohibited. However, the City Engineer may grant exceptions when suitable turnaround provisions are provided. (12779 §13 7/15/87)
- [3] Alley intersections and sharp changes in alignment must be avoided. Corners must be rounded or cut back sufficiently to permit safe vehicular circulation. (12779 §13 7/15/87)

### 350-9.C STREET CONSTRUCTION

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

- (1) The roadbed subgrade must be prepared to the established roadbed subgrade elevation and compacted to not less than 95% of the ASTM D1557 Modified Proctor Maximum Dry Density.
- (2) Subgrade drains must be placed along proposed roadways when directed by the City Engineer to drain wet/seepage areas.

(3) During roadway construction, the developer must provide maintenance and protection of traffic in compliance with PennDOT standards.

(4) Longitudinal road grades must be at least 1%.

**350-9.D DRAINAGE**

All streets must be designed to provide for the discharge of surface water away from their centerline. The slope of the crown on proposed streets must comply with all applicable city standards. (12779 §14 7/15/87)

**350-9.E STREET LIGHTS**

(1) When required, the owner must install at their own expense, street lights providing a minimum illuminance level of 1.0 foot-candles (10.8 lux), in accordance with a plan prepared by the owner’s engineer and approved by the Planning Commission.

(2) The design of light standards must be approved by the City Engineer before installation.

(3) Provisions must be made to energize street lights when 25% of the dwellings within a subdivision or land development are constructed. The owner is responsible for all utility costs involved in lighting the streets until such time that the streets are accepted by the city as public streets.

**350-9.F CROSSOVERS**

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

**350-10 Curbs and Sidewalks**

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

(2) ADA accessible ramps must be installed in accordance with city standard ADA ramp details at all existing and proposed intersections along the development boundaries. When development intersect a state road, the developer must obtain all necessary PennDOT driveway and ADA ramp permits before acceptance and recording of the land development plan by the city.

**350-10.A STREETScape SIDEWALKS**

(1) **Location and Size.** See Article 8 of the zoning ordinance (Streetscape Area) for regulations governing location and width of required public sidewalks in streetscapes.

(2) **Width.** Streetscape sidewalk width in all zones must be a minimum of 5 feet.

(3) **Materials.** Sidewalks must be composed of concrete, brick, or other masonry pavers.

(4) **Vehicular Crossings.** Where public sidewalks cross driveways, parking areas, and loading areas, the following applies:

(a) Sidewalk paving material must continue through the vehicular area and the crossing area must be clearly differentiated from the vehicular area.

(b) If the material of the pedestrian and vehicular area is similar, the pedestrian area must be differentiated through the use of elevation changes, speed bumps, another paving material, scoring, or other similar method.

(5) **Accessible.** All sidewalks must comply with all local, state, and federal regulations for accessibility.

**350-11 Storm Drainage Systems**

The storm drainage system must comply with the requirements of the Stormwater Management Ordinance.

**350-12 Sanitary Sewage Facilities**

**350-12.A GENERAL REQUIREMENTS**

(1) The developer must install sanitary sewer facilities in a manner prescribed by city construction standards and specifications. All plans must be designed in accordance with the rules, regulations, and standards of the City Engineer, PA-DEP (Domestic Wastewater Facilities Manual), and other appropriate agencies. The developer is responsible for preparing all applications required for obtaining PA-DEP permits and for paying all required fees.

(2) The applicant proposing to build a pumping station or any other sewage conveyance or ultimate disposal facility must comply with the requirements of 25PA 71.72.: Sewage management programs for sewage facilities and community onlot sewage systems.

(3) Each property must be provided with its own separate sanitary sewer lateral connected to a minimum 8-inch diameter public sewer main. When available, the developer must utilize existing sanitary wyes for new sanitary lateral tie-ins.

(4) Prior to final acceptance of any new public or private sanitary sewer line extension, service, or repair; lines must be adequately cleaned, inspected, and tested, per city specifications. (12779 §15 7/15/87)

**350-12.B INDIVIDUAL DISPOSAL SYSTEMS**

(1) If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas must comply with the requirements of the zoning ordinance and percolation tests and test holes must be made as directed by the Sewage Enforcement Officer. The individual disposal system, including the size of the

septic tanks and size of the tile fields or other secondary treatment device, must also be approved by the Sewage Enforcement Officer. (12779 §14 7/15/87)

- (2) On-lot sewage disposal facilities must comply with the provisions of PA-DEP Chapters 71 and 73, Administration of Sewage Facilities Program, Pennsylvania Sewage Facilities Act, No 537. A planning module for on-lot sewage disposal must be submitted to PA-DEP. The proposed facilities must be deemed satisfactory by the city Health Department and a permit for on-lot disposal system is required. A city Health Department "Letter of Suitability" for on-site disposal must be received by the city with the preliminary plan for each lot proposed. If the proposed subdivision or land development contains an existing on-site sewage disposal facility on the property to be further subdivided or a more intensive use of development is proposed, the developer must submit acknowledgment from the city Health Department indicating that the existing system is functioning properly. If the existing system is inadequate, a new system must be provided by the developer. Each new property that is created that requires an on-lot sewage disposal facility must have an on-lot system instruction manual provided to the new owners of the property.

**350-12.C TAPPING FEE**

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

**350-13 Water Supply and Fire Hydrants**

**350-13.A GENERAL REQUIREMENTS**

- (1) The developer must install a water distribution system that complies with city construction standards and specifications for materials and workmanship. The system must be designed to furnish an adequate supply of water to each lot with adequate main sizes and fire hydrant locations to meet the requirements of the Insurance Services Office and city standards for a protected area. (12369 §1 7/15/79)
- (2) A domestic water supply extension must be provided in accordance with the latest standards of AWWA, DEP Public Water Supply Manual, Part II (Chapter 8) and city construction standards and specifications for materials and workmanship. Prior to final acceptance of any new public or private water line extension, service, or repair (having a diameter or more than 2 inches and in excess or one full length of pipe) lines must be adequately flushed, hydrostatically tested and properly disinfected, per AWWA C-600 and C-651, respectively.

- (3) Distribution systems and appurtenances must be designed and constructed to maintain normal operating pressures of not less than 25 psig nor more than 125 psig at the main, except during periods of peak seasonal loads, when the pressures at the time of hourly maximum demand may not be less than 20 psig nor more than 150 psig.

**350-13.B FIRE HYDRANTS & VALVES**

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

**350-13.C INDIVIDUAL WATER SUPPLY SYSTEMS**

If public water facilities are not available and individual on lot well systems are proposed, the developer must submit certification from PA-DEP that the department will approve a properly designed on-lot water system for the proposed size of lots to be served by such systems.

**350-13.D TAPPING FEE**

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

**350-14 Easements**

**350-14.A GENERAL**

- (1) Easements are required as indicated in this section, provided that the City Engineer is authorized to waive or modify the easement requirements of this section based on site-specific considerations.
- (2) All required easements must be indicated on the land development plans. All required easements must be defined by type, bearings, distances, and calculated areas. All plan easements must be accompanied by a written legal description, to be signed by the property owner and the city and recorded in the Lehigh County Courthouse. All required easements must be monumented on one side at the beginning, end, and at all changes in direction.



350-15 Preservation of Natural Features and Amenities

- (3) Nothing may be placed, planted, set or put within the area of the required easements, except lawns or suitable low ground cover, unless restricted by a special condition as noted on the recorded plan or deed (e.g., placement of a BMP, such as a filtration bed.).

**350-14.B UTILITY EASEMENTS**

- (1) General utility easements must be provided for all public & private utility facilities, which are to be placed along internal property lines. Easements must be provided for all utility facilities, including but not limited to gas, electric power, telephone, and CATV cables as well as sewers, storm drains, and water mains. Public utility lines may not pass over or under existing or proposed buildings. An easement at least 20 feet in width must be provided along side or rear lot lines, labeled "General Utility Easements." The City Engineer is authorized to require additional width for easements to be occupied by multiple underground utilities. Easements must be centered on or adjacent to lot lines, when possible. Easements are not required along side or rear lot lines when abutting a public right-of-way, such as an alley.
- (2) To minimize disturbance to cartway and sidewalk areas and to provide adequate clearance from street trees within a street right-of-way, utility easements may be provided in private property along the right-of-way line for the installation of private utilities, such as for underground TV cable, power, and phone. (12779 §16 7/15/87)

**350-14.C DRAINAGE EASEMENTS**

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

**350-14.D SLOPE EASEMENTS**

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

**350-14.E SHARED EASEMENTS**

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

**350-14.F RIGHT-OF-WAY UTILITY EASEMENTS**

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

must be in a form acceptable to the City Solicitor.

**350-14.G AIRPORT HEIGHT RESTRICTIONS**

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

**350-15 Preservation of Natural Features and Amenities**

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

**350-16 Tree Protection During Construction**

**350-16.A APPLICABILITY**

Tree protection is required during construction for all trees 8 inches in diameter or larger to be retained on the site and for all other trees required to be retained in accordance with Sec. 660-72 of the Zoning Ordinance.

**350-16.B REQUIRED PROTECTIONS**

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

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

(6) **Mitigation of Damage.** The city may assess mitigation of trees damaged during or as a result of construction activities. Mitigation may include replacement trees or fees paid into the city's Tree Planting Fund.

**350-17 Natural Resource Areas**

**350-17.A WETLAND LIMITS**

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

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

**350-17.B JURISDICTIONAL WETLANDS**

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

**350-17.C FLOODPLAINS**

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

**350-17.D ARMY CORPS AND PA-DEP PERMITS**

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

**350-18 Transportation Impacts**

**350-18.A WARRANTS**

**(1) Transportation Impact Study**

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

the development or 100 or more vehicle trips exiting the development;

- [2] For existing sites being redeveloped the site is expected to generate 100 or more additional trips entering or exiting the development during any one hour time period of any day of the week; or
- [3] In the opinion of the City Engineer, the development or redevelopment is likely to have significant impacts on traffic safety or traffic flow, even if the warrant criteria in 1 or 2, above are not met.

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

**(2) Transportation Impact Assessment**

(a) A transportation impact assessment (TIA) is a limited evaluation to determine transportation impacts of a proposed development at specific intersections, driveways, or locations.

(b) A TIA is required for a proposed development that meets any of the following criteria:

- [1] During any one hour time period of any day of the week, the development is expected to generate 51 to 99 trips entering the development or 51 to 99 vehicle trips exiting the development;
- [2] For existing sites being redeveloped the site is expected to generate 51 to 99 additional trips entering or exiting the development during any one hour time period of any day of the week; or
- [3] In the opinion of the City Engineer, the development or redevelopment is likely to have moderate impacts on traffic safety or traffic flow at specific intersections, driveways, or locations.

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

**350-18.B SCOPING**

Before conducting the TIS or TIA, the consultant must confer with the City Engineer to determine the scope of the study or assessment.

**350-18.C STUDY OR ASSESSMENT REQUIREMENTS**

Traffic impact studies and traffic impact assessments must be prepared in accordance with the Institute of Transportation Engineer's (ITE) Traffic Engineering Handbook and ITE's Transportation Impact Analyses for Site Development and PENNDOT Publications 212 and 282 and include the

following information, provided that the City Engineer is authorized to waive individual study requirements or supplement this list of required information based on surrounding transportation conditions or the specific characteristics of a development, or development site:

- (1) Description of the proposed project in terms of land use type and magnitude.
- (2) An inventory of existing conditions in the site environs (one-half to 1-mile radius).
- (3) Roadway network and traffic control.
- (4) Existing traffic volumes in terms of peak hours and average daily traffic.
- (5) Planned roadway improvements (by others).
- (6) Intersection levels of service.
- (7) Roadway levels of service (where appropriate).
- (8) Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
- (9) An analysis of existing traffic conditions, including:
  - (a) Intersection levels of service;
  - (b) Roadway levels of service (where appropriate); and
  - (c) Other measures of roadway adequacy (i.e. lane widths, traffic signal warrants, vehicle delay studies, etc.).
- (10) Projected site-generated traffic volumes in terms of:
  - (a) Peak-hour (PHT) and average daily traffic (ADT);
  - (b) Approach/departure distribution including method of determination;
  - (c) Site traffic volumes on roadways; and
  - (d) Comparison of existing zoning to proposed site generation.
- (11) An analysis of future traffic conditions including:
  - (a) Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
  - (b) Intersection levels of service;
  - (c) Roadway levels of service (where appropriate); and
  - (d) Other measures of roadway adequacy (i.e., lane widths, traffic signals warrants, vehicle delay studies, etc.).
- (12) A description of the recommended access plan and necessary improvements, including:
  - (a) Schematic plan of access and on-site circulation; and

- (b) General description of off-site improvements required.

**350-18.D THIRD-PARTY REVIEWS**

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

**350-18.E RESPONSIBILITY FOR IMPROVEMENTS**

- (1) When the TIS or TIA indicates that the proposed development will result in traffic impacts necessitating improvements to existing streets and intersections the applicant may be required to install necessary improvements. Such needed improvements are limited to those attributable to the proposed development (rather than those that remedy deficiencies in existence before the new development) in order to:
  - (a) Assure adequate, safe and convenient access to each lot and structure and parking compound proposed as part of the development of the subject tract.
  - (b) Accommodate the traffic for the proposed development.
  - (c) Provide for an acceptable level of service and delay for the design year, or years for phased projects, with the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development, and
  - (d) Preserve the existing convenience of access to or ability to exit from abutting lots that gain access from the existing street.
- (2) If the city determines that some or all of the required improvements or some or all of any agreed upon off-site improvements are not feasible or appropriate at the present time, the applicant may be required to enter into agreement with the city and deposit financial security with the city until such time that the improvements are satisfactorily installed by the applicant and accepted by the city.

**350-19 Erosion and Sedimentation Control**

**350-19.A GENERAL**

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

**350-19.B REQUIREMENTS**

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

**350-20 Blasting** .....

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

**ARTICLE 3 PLAN SUBMITTAL REQUIREMENTS**

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350-21 Project Narrative ..... 3-2  
350-22 Sketch Plans ..... 3-2  
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**350-21 Authority to Waive**

The provisions of this article establish minimum submittal requirements for various applications under this ordinance. The Planning Director and City Engineer are authorized to waive or modify specific submittal requirements and application formats.

**350-22 Project Narrative**

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

**350-22.A PROJECT TITLE (OR NAME)**

The name of the proposed subdivision or development.

**350-22.B PROJECT LOCATION**

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

**350-22.C SUBDIVISIONS**

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

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

**350-22.D LAND DEVELOPMENTS**

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

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

**350-23 Sketch Plans**

Sketch plans must be submitted to the Planning Director through the city's electronic plan review portal. prepared in pencil or pen, and drawn to the scale and sheet size specifications that apply to preliminary plans. Such plans must be clearly and legibly drawn to scale with a sheet size not to exceed 24 by 36 inches. The sketch plan must contain at least the following information, unless the Planning Director deems such information unnecessary for the

specific project:

**350-23.A PROJECT NARRATIVE**

A project narrative, in accordance with 350-22.

**350-23.B LOCATION**

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

**350-23.C EXISTING FEATURES**

- (1) The name, address, and telephone number of the legal agents and owner of the property. (12779 §8 7/15/87)
- (2) The tax map sheet, block and lot numbers. (12779 §8 7/15/87)
- (3) Approximate scale, north point and date. (12779 §8 7/15/87)
- (4) Location of property lines, existing easements, watercourses, wooded areas, and other significant physical features and names and locations of public streets within 100 feet of a distance equal to the width of the widest public right-of-way abutting the boundaries of the development.
- (5) The names of all current owners of property abutting the proposed development, as shown on the most recent assessment rolls. (12779 §8 7/15/87)
- (6) Contours must be indicated at intervals of not more than 10 feet. (12779 §8 7/15/87)
- (7) The proposed pattern of lots, streets, recreation areas, drainage systems, sanitary sewers, and water supply facilities within the development layout. (12779 §8 7/15/87)
- (8) A site plan with sufficient detail to allow a determination of compliance with applicable zoning regulations.

**350-24 Preliminary Plans**

**350-24.A PROJECT NARRATIVE**

Preliminary plans must be accompanied by a project narrative, in accordance with 350-22.

**350-24.B FORMAT**

The preliminary plan of a proposed land development must be clearly and legibly drawn to scale to a scale of one inch equals 100 feet or one inch equals 50 feet unless otherwise approved by the City Engineer. The original drawing, and all submitted prints must be made on a with a sheet size not to exceed than 24 by 36 inches except where approval of an alternative format is obtained from the City Engineer. (12779 §11 7/15/87)

Utility plans must be prepared at a minimum scale of one inch equals 50 feet and must be on sheet sizes listed below:

Storm Sewer – 12" x 21"

Sanitary Sewer – 18" x 24" 3-

Water Lines – 24" x 36" (12779 §10 7/15/87)

**350-24.C PLAN DETAILS**

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

**(1) Title Block**

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

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

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

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

to 10%, and at intervals of no more than 5 feet for land with average natural slope exceeding 10%. For slopes of less than one percent, the City Engineer may require spot elevations at all high and low points and/or a designated survey grid. Existing contours should be represented by dashed lines, proposed contours should be solid lines. Heavier solid lines should be at 10-foot intervals. All contour lines must be based on a datum selected by the City. (12779 §97/15/87)

- (d) All existing streets, easements, water bodies, tree masses, streams, and other pertinent features such as flood plain areas, railroads, buildings, parks, cemeteries, drainage ditches, bridges, and other significant natural or man-made features within ~~100 feet of~~ a distance equal to the width of the widest public right-of-way abutting the boundaries of the development. (12779 §9 7/15/87)
- (e) Zoning district and proposed changes, if any. (12779 §97/15/87)
- (f) The name of the record owner and the names of all current owners of property abutting the proposed development, as shown on the most recent assessment rolls. (12779 §9 7/15/87)
- (g) All dedicated streets and easements including streets of record (recorded but not constructed) within or adjacent to the proposed development, including names, right-of-way widths, cartway widths, and approximate grades. (12779 §9 7/15/87)
- (h) No plat requiring access to a highway under the jurisdiction of the Pennsylvania Department of Transportation must be approved unless the plat contains the following note: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), before driveway access to State highway is permitted." (13014 §21 11/7/90)
- (i) All sewer lines, water lines, fire hydrants, utility transmission lines, and other underground installations which exist within or adjacent to the proposed development. (12779 §9 7/15/87)

**(4) Proposed Development Design**

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

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

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

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

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



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

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

**350-25 Final Plans**

**350-25.A PROJECT NARRATIVE**

Final plans must be accompanied by a project narrative, in accordance with 350-22.

**350-25.B FORMAT**

The final plan of a proposed land development must be clearly and legibly drawn to scale in ink to a scale of one-inch equals 100 feet or one inch equals 50 feet unless otherwise approved with sheet sizes not to exceed 24 by 36 inches except where special approval is obtained from the City Engineer. Reproducible mylar (or equivalent material) must be the only acceptable material as a base for the final plan. If the final plan requires more than one sheet, a key diagram showing the relative location of the several sections must be shown on each sheet. ~~The original drawing and all submitted prints thereof must be made on a sheet size not more than 24 by 36 inches except where special approval is obtained from the City Engineer.~~ (12779 §10 7/15/87)

Utility plans must be prepared at a minimum scale of one-inch equals 50 feet and must be on sheet sizes listed below:

Storm Sewer - 12" x 24"

Sanitary Sewer - 18" x 24" 3-

Water Lines - 24" x 36" (12779 §10 7/15/87)

**350-25.C PLAN DETAIL**

The final plan must contain 5 groups of information: Title block, location map, development design, engineering drawings, and certifications. Where noted, or where

appropriate, data must be on supplementary sheets. The specifications for each group are as follows:

**(1) Title Block**

- (a) The name of the development and the notation "final plan." (12779 §10 7/15/87)
- (b) Name and address of the record owner of the tract, and the name, address, registration number and seal of the registered professional pursuant to Section 1375.01 (b) who prepared the plan. All Final Utility Plans must be prepared by a registered professional engineer unless this requirement is waived by the City Engineer for minor extensions. (12779 §10 7/15/87)
- (c) North point, graphic scale, written scale, and date; including month, date, and year that the original drawing was completed, and the month, date, and year that the original drawing was revised, for each revision. (12779 §10 7/15/87)
- (d) The name of the municipality, the ward, and the tax map sheet, block, and lot number corresponding to the development. (12779 § 10 7/15/87)
- (e) The total acreage, street acreage, residential lot acreage, acreage in other uses, lineal feet of streets, number of lots, number of dwelling units, and average lot size (residential acreage divided by the number of lots). (12779 §1 07/15/87)
- (f) The recorded Deed Volume and Page Number or Docket ID Number and Lehigh County parcel number of the land to be subdivided. (12779 §10 7/15/87)

**(2) Location Map.** A location map must be placed on the final plan, for the purpose of locating the property being developed, differentiated by tone or pattern and drawn at a scale large enough to show the development's relationship to existing community facilities and features such as traffic arteries, schools, recreation areas, shopping areas, and industrial areas. (12779 §1 0 7/15/87)

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

- (a) Total tract boundary lines of the area being developed with accurate distance to hundredths of a foot. Relative error of traverse closure, based on measurements taken in the field, must have no more than one lineal unit between beginning and ending points for each 20,000 units of the traverse distance (that is, a closure of one foot in 20,000 feet or better. (12779 §1 0 7/15/87)

- (b) Location, elevation, and description of all monuments in reference to existing monuments or landmarks or the nearest established street line, including true angles and distances to such reference points or monuments. (12779 §1 0 7/15/87)
  - (c) The name, cartway and right-of-way width, and accurate location of all existing and proposed streets, within and adjacent to the proposed land development.
  - (d) Whenever a developer proposes to establish a street or streets which must not be offered for public dedication; such street must fully conform to City specifications. (12779 §10 7/15/87)
  - (e) Building setback lines along each street, with dimensions showing setback for the street right-of-way. (12779 §10 7/15/87)
  - (f) Name of record owner and all adjoining property owners. (12779 §10 7/15/87)
  - (g) Blocks and lots must be properly dimensioned and numbered. (12779 §10 7/15/87)
  - (h) A statement of the intended use of all nonresidential lots. (12779 §10 7/15/87)
  - (i) A statement of such current or previously imposed deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale. (12779 §10 7/15/87)
  - (j) All easements or rights-of-way where provided for or owned by public utilities or services and any limitations on such easements or rights-of-way. (12779 §10 7/15/87)
  - (k) Location, size, and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets, and catch basins, other appurtenances and detention facilities and Best Management Practice (BMP) devices (when required by the City Engineer). (12779 §10 7/15/87)
  - (l) Existing and proposed contours at 5-foot intervals on slopes averaging 10% or greater, at 2-foot intervals for land of 3% to 10% and one-foot intervals for land of less than 3%. All contour elevations must be based on city data. Existing contours should be represented by dashed lines, proposed contours should be solid lines, Heavier solid lines should be at 10-foot intervals. (12779 §10 7/15/87)
  - (m) Existing zoning regulations, including zone designations, requirements for lot sizes and front yards, and any zoning boundary lines traversing the proposed development. (12279 §1 07/15/87)
  - (n) Any changes in existing zoning requested by the developer. (12779 §1a 7/15/87)
  - (o) Sufficient data where the proposed land development lies partially or completely in a certified flood plain area, or where the proposed land development borders on a flood plain area. In this event, the final plan must delineate the FEMA-mapped 100-year floodplain boundaries and include detailed information giving the final location and elevation of proposed roads, public utilities and building sites. All such plans must show contours at intervals of 2 to 5 feet, depending on the slope of the land, and must identify accurately the boundaries of the flood-prone area. Additionally, information must be submitted concerning the 100-year flood elevations, proposed lots and sites, fills, flood or erosion protective measures, and areas subject to special deed restriction All development encroaching into the FEMA-mapped 100-year floodplain must comply with the Flood Control Ordinance and obtain a floodplain development permit. (12779 §1 a 7/15/87)
  - (p) On the basis of standards promulgated by the Pennsylvania Department of Environmental Resources, the developer must submit, as part of the final plan, final computations of the average daily quantity and quality of the sanitary sewage flow. Additionally, the developer must submit data indicating the ability of the sanitary sewage system to accommodate discharge from the development to the City treatment plant. (12779 §10 7/15/87)
  - (q) Landscape Plans. In final form, in accordance with the standards promulgated in the prevailing Shade Tree Ordinance. (12779 §10 7/15/87)
  - (r) A house numbering plan in accordance with the plans on file in the Office of the City Engineer. (12779 § 10 7/15/87)
  - (s) Delineate city boundary lines where the development is adjacent to or divided by the City Line. (12779 § 1 a 7/15/87)
- (4) Engineering Drawings.** The engineering drawings, in the final form, which must be submitted on supplementary sheets are:
- (a) Typical street cross-section drawing for all proposed streets. (12779 §1 a 7/15/87)
  - (b) Existing and proposed grades must be shown along curb lines of all existing and proposed streets at a scale of one (1") inch equals one hundred (100') feet. (12779 §1 0 7/15/87)

- (c) Profiles along both rights-of-way lines and along the center line of each street. Such profiles must include the location of all street trees and street signs, all existing and proposed sanitary sewer mains, inlets, manholes and catch basins, and the exact location and size of all underground and overhead utilities and structures. (12779 §10 7/15/87)
  - (d) Surface drainage facilities for the tract to be developed must be sized to accommodate potential flows generated within the watershed. Plans must include final storm water runoff calculations for said area, and the proposed method for accommodating anticipated runoff. (12779 §10 7/15/87)
  - (e) Design of bridges, catch basins, storm sewers, curbs, paving, crossovers, water mains, sanitary sewers, etc. where provided. (12779 §10 7/15/87)
  - (f) Before signing the final record plan, a grade plan mylar (or equivalent material) drawn to scale of one inch equals 100 feet must be approved by the City Engineer and recorded in that office. (12779 §10 7/15/87)
- (5) Certifications.** The following certifications must be inscribed and signed on the final plan:
- (a) Certification of Ownership of Record and Dedication. (12779 §10 7/15/87)
  - (b) Surveyor's Certification. (12779 §10 7/15/87)
  - (c) Certification of Planning Commission Approval. (12779 §10 7/15/87)
  - (d) Certification of Other Affected Municipality (if necessary). (12779 §10 7/15/87)
  - (e) Certification of Review by the Lehigh Valley Planning Commission. (12779 §10 7/15/87)
  - (f) Proof of Recording. (12779 §10 7/15/87)
  - (g) Certification of City Engineer. (12779 §10 7/15/87) h. Notarized Signature. (12779 §10 7/15/87)

**350-26 Minor Subdivision and Minor Land Development Final Plans**

**350-26.A FORMAT**

The final plan of a proposed minor subdivision or minor land development must be clearly and legibly drawn to scale in ink to a scale of one inch equals 100 feet or more or one inch equals 50 feet unless otherwise approved with sheet sizes not to exceed 24 by 36 inches except where special approval is obtained from the City Engineer Reproducible mylar (or equivalent material) must be the only acceptable material as a base for the final plan. (12779 §11 7/15/87)

Utility plans must be prepared at a minimum scale of one-

inch equals 50 feet and must be on sheet sizes listed below:

~~Storm Sewer – 12" x 21"~~

~~Sanitary Sewer – 18" x 24" 3-~~

~~Water Lines – 24" x 36" (12779 §10 7/15/87)~~

**350-26.B PLAN DETAIL**

The final plan must contain the following information:

**(1) Title Block**

- (a) The name of the development and the notation "Minor Subdivision/Land Development Plan." (12779 §11 7/15/87)
- (b) Name and address of the record owner of the tract, and the name, address, registration number and seal of the registered professional who prepared the plan pursuant to Section 1375.01 (b). (12779 §11 7/15/87)
- (c) North point, graphic scale, written scale, and date; including month, date and year that the original drawing was completed, and the month, date and year that the original drawing was revised, for each revision. (12779 §11 7/15/87)
- (d) The name of the municipality, the ward, and the tax map sheet, block and lot number corresponding to the development. (12779 §11 7/15/87)

**(2)** Tract boundary lines, right-of-way lines of streets, street names, easements, existing and proposed and other rights-of-way, all lot lines, existing and proposed, with accurate dimensions, bearings, or deflection angles, radii arcs, and central angles of all curves must be referenced to the nearest intersecting public street. (12779 §11 7/15/87)

**(3)** If a subdivision abuts a Pennsylvania Department of Transportation highway, the following note must be added to the plan: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), before driveway access to a State highway is permitted." (13014 §22 11/7/90)

**(4)** The purpose of any easement or land reserved or dedicated to public use must be designated. (12779 §11 7/15/87) 5. Minimum front, side and rear building setback lines on each lot and on all other sites in the proposed subdivision. (12779 §11 7/15/87)

**(5)** Location and description of all monuments. (12779 §11 7/15/87)

**(6)** Names of adjoining landowners. (12779 §11 7/15/87)

**(7)** Acreage of the tract to be subdivided to nearest tenth of an acre. (12779 §11 7/15/87)

Article 3 Plan Submittal Requirements  
**350-27 As-Built Plans**

**DRAFT**

- (8) Existing zoning must be noted on the plan. (12779 §11 7/15/87)
- (9) Existing and proposed surface drainage including contours. (12779 §11 7/15/87)
- (10) Existing and proposed water, sanitary sewer, storm sewer, curb, sidewalks, and streets abutting or required to serve property in question. (12779 §11 7/15/87)
- (11) Existing and proposed structures. (12779 §11 7/15/87)

**350-27 As-Built Plans**

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- (1) Upon completion of a land development or upon completion of an approval stage of sectionalized land development, the developer must prepare and submit a mylar (or equivalent material) copy of the as-built utilities plan of the land development, in final plan detail with appropriate computations of locations and dimensions of completed improvements. The submission of the as-built utilities plan is a prerequisite to final city inspection of the site, and as prerequisite to the developer's release from surety. The developer must pay all city inspection fees incurred which must be included as part of the land development Agreement. (12369 §1 7/18/79)
- (2) The as-built plans and profiles must be prepared and submitted in an AUTOCAD format version suitable to the city and in accordance with the following survey datums. The horizontal control must be prepared based upon the 1983 Horizontal State Plane Coordinates System. The vertical control must be based upon the NAVD 1988 Vertical Control Datum. The as-built plans must be sealed by a registered surveyor or engineer registered in the state of Pennsylvania. Boundary surveys may only be sealed by a registered surveyor in the Commonwealth of Pennsylvania.
- (3) The following additional information must be included in tabular form on the as-built plans:
  - (a) BMP Type;
  - (b) Drainage Area (DA) in acres to BMP, Impervious DA to BMP in percentage or acres;
  - (c) Coordinates (Latitude and Longitude);
  - (d) NPDES Permit Number (if applicable);
  - (e) Date Installed;
  - (f) Receiving Stream;
  - (g) Annual Pollutant Load Reductions in lbs/yr for Sediment (TSS);
  - (h) Nitrogen (TN); and
  - (i) Phosphorus (TP), if applicable.

**ARTICLE 4      PROCEDURES**

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**350-28 Common Procedures**

**350-28.A MUNICIPALITIES PLANNING CODE**

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

**350-28.B REQUIRED APPROVAL**

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

**350-28.C PLANS**

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

**350-28.D PREAPPLICATION MEETINGS**

Before submitting a plan for a land development, the applicant may be required to attend a preapplication meeting ~~should discuss~~ with the Planning Director, the City Engineer, and all other interested parties to discuss the procedure for approval and the subdivision ordinance design and improvement requirements ~~as to general layout of streets and for reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.~~ Such preapplication meetings are strongly encouraged in all cases. (12779 §3 7/15/87)

**350-28.E ELECTRONIC PLAN SUBMITTAL**

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

**350-28.F COMPLETE APPLICATIONS**

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

or competent evaluation of the plan's or application's compliance with ordinance requirements or other regulations; or

- [3] The decision-making body does not have legal authority to approve the application as filed.

**350-29 Sketch Plan**

**350-29.A APPLICABILITY AND PROCEDURE**

A sketch plan is mandatory for all major land developments and all major subdivisions containing 10 or more lots. Such mandatory sketch plans require review by the Planning Commission. Sketch plans are encouraged but not required for all other subdivisions and land developments. Sketch plans are reviewed by the Planning Director and City Engineer and may also be referred to the Planning Commission for review.

**350-29.B SKETCH PLAN REQUIREMENTS**

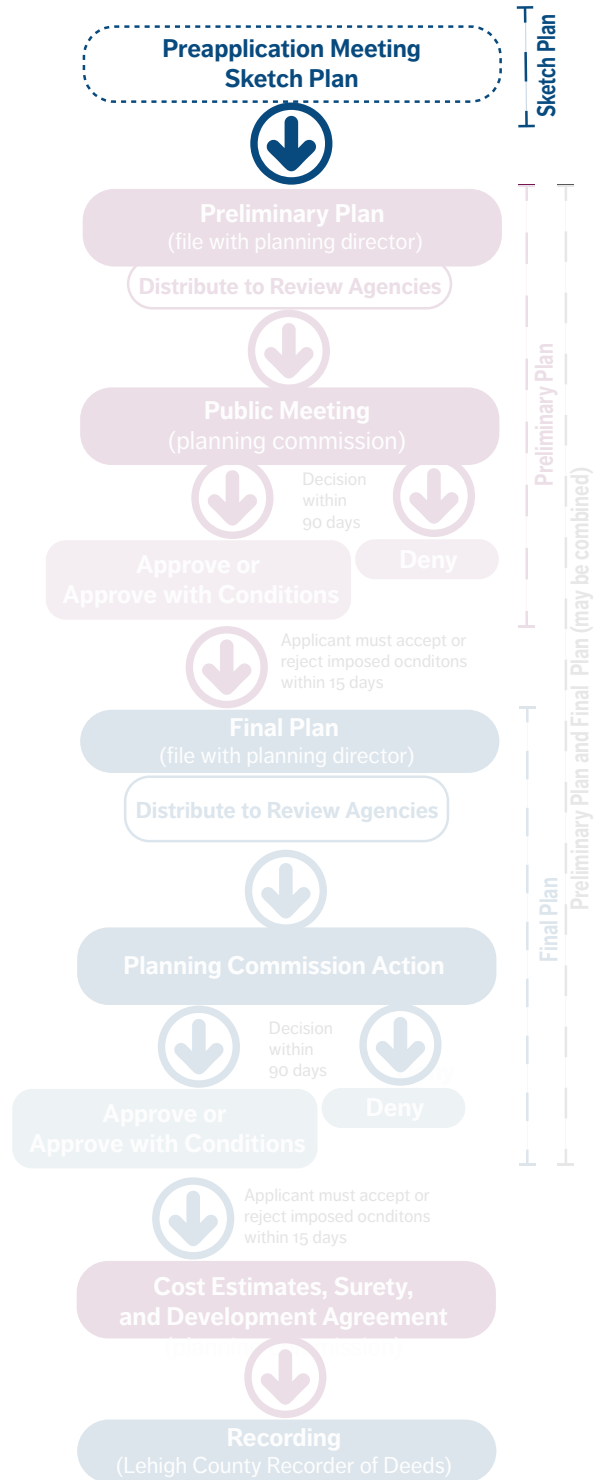
All sketch plan applications must:

- (1) Be made on forms available at the Office of the Planning Director together with the required application fee, which shall be established administratively. (12779 §4 7/15/87)
- (2) Include all contiguous holdings of the owner including lands in the same ownership, with an indication of the portion that is to be developed or subdivided, accompanied by a deed indicating ownership. (12779 §4 7/15/87)
- (3) Be accompanied by ~~a minimum of 10 copies of the a~~ sketch plan in such format and numbers as established administratively, as described in these regulations and complying in all respects with these regulations. (12779 §4 7/15/87)
- (4) See also the sketch plan submittal requirements of 350-23.

**350-29.C NOTIFICATION**

Within 10 days after review of the sketch plan, the Planning Director must inform the developer of whether the sketch plan and data as submitted or as modified do or do not meet the requirements of this ordinance. If sketch plan and data as submitted or as modified are not approved, the developer has the option to appeal to the Planning Commission. The appeal must be submitted to the Planning Commission in writing within 10 days after receipt of the city's refusal to accept the proposed sketch plan. Appeals will be heard at the next regular meeting of the Planning Commission following receipt of the notice of appeal. (12779 §4 7/15/87)

**Major Subdivision/Land Development Process**



**350-30 Preliminary Plans**

**350-30.A APPLICABILITY**

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

**350-30.B CONCURRENT PROCESSING OF PRELIMINARY AND FINAL PLANS**

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

**350-30.C APPLICATION PROCEDURE AND REQUIREMENTS**

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

- (1) Be made on forms available at the Office of the Planning Director together with the required application fee, which shall be established administratively. (12779 §57/15/87)
- (2) Include copies of the current recorded deed of record pertaining to any existing easements. Include copies of the deed of the subject property and adjoining properties.

Be accompanied by a minimum of 10 copies of the preliminary plan as described in these regulations. (12779 §5-7/15/87)

- (3) Comply in all respects with the sketch plans as approved. (12779 §5 7/15/87)
- (4) Be presented to the Planning Director at least 4 weeks 30 calendar days before a regular meeting of the date of the Planning Commission meeting at which the preliminary plan is to be considered. (12779 §5 7/15/87)
- (5) See also the preliminary plan submittal requirements of 350-24.

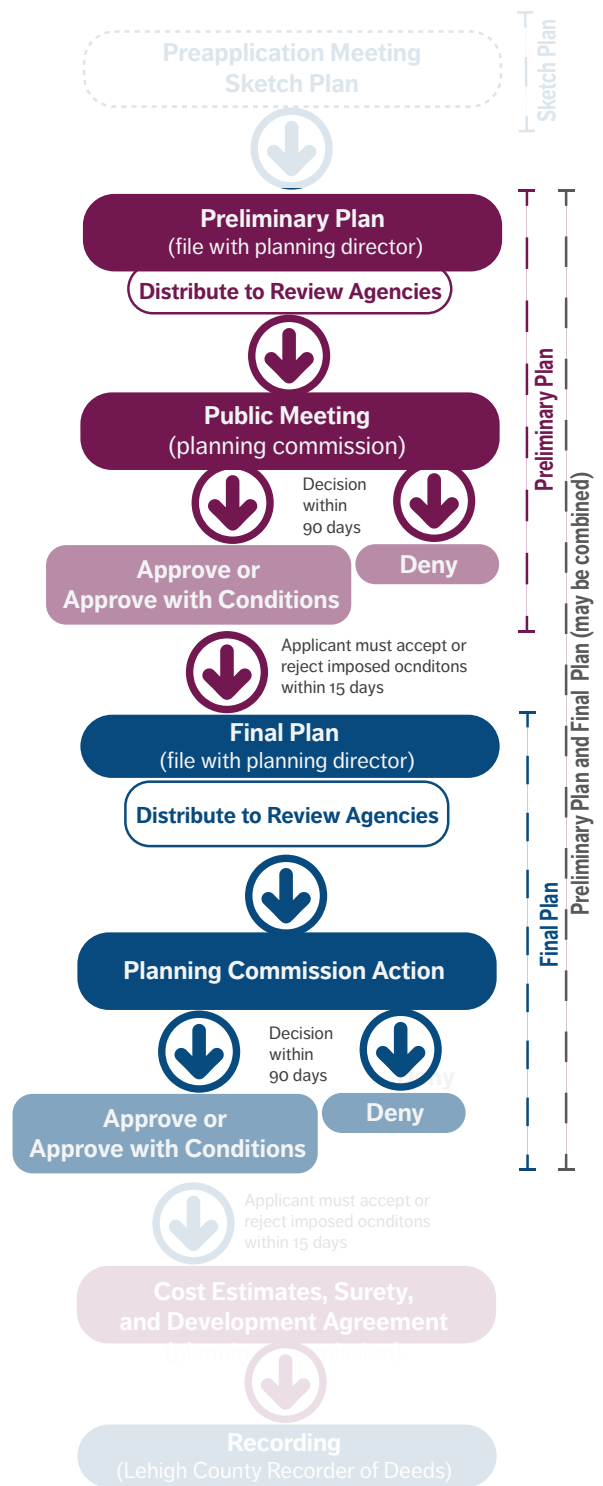
**350-30.D OFFICIAL SUBMISSION**

The submission of an application for preliminary plan approval, when dated and signed by the owner and the Planning Director constitutes official submission of the preliminary plan to the city. (12779 §5 7/15/87)

**350-30.E REVIEW**

The Planning Director must transmit the preliminary plans, or appropriate portions thereof, must be forwarded to appropriate officials or agencies of the local government,

**Major Subdivision/Land Development Process**



\*Applicants may elect to submit preliminary and final plans for concurrent processing



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

**350-30.F PUBLIC MEETING**

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

**350-30.G DECISION TIME-FRAME**

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

**350-30.H NOTIFICATION**

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

**350-30.I EFFECTIVE PERIOD OF PRELIMINARY PLAN APPROVAL**

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

**350-30.J EFFECTS OF CHANGES IN GOVERNING REGULATIONS**

When an application for approval of a preliminary or final plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance, or plan may be applied that would adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years of

the date of such approval. When final approval is preceded by preliminary approval, the 5-year period is counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms must be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. However, if an application is properly and finally denied, any subsequent application is subject to all intervening changes in governing regulations. (12779 §5 7/15/87)

**350-30.K REFERENCE TO AND CONFORMANCE WITH RELATED ORDINANCES AND STANDARDS**

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

- (1) Land Development Controls ordinance (12009 3/21/73 as amended)
- (2) Curb and Sidewalk ordinance (12484 12/21/81 as amended)
- (3) Shade Tree ordinance (12241 4/6/77 as amended)
- (4) Flood Control ordinance (125074/21/82; 12779 §5 7/15/87, 13314/12/7/94; 15789 2/16/22), as amended)
- (5) Stormwater Management ordinance (1388 5/18/05; 13812 1/5/00)
- (6) Act 167 Stormwater Management ordinance (Bill No. 18-2007, as amended)
- (7) Americans with Disabilities Act ADA access standards for curb, sidewalk, handicap ramps, parking areas, signage, and building access.
- (8) All federal, state, county laws and regulations governing land development and earth disturbance including but not limited to the USACOE, PA-DEP, PENNDOT, LCCD permits as administered by each governmental agency.
- (9) Standards, specifications, and details of the Engineering Department.
- (10) Lehigh County Authority regulations and standards.

**350-30.L CONDITIONAL APPROVALS**

~~The Planning Commission may condition preliminary plan approval upon the satisfaction of outstanding requirements, upon acceptance by the applicant of the conditions within 15 days of their receipt. The applicant's failure to accept or reject the conditions within the 15-day receipt period, has the effect of automatically rescinding the approval. If the Planning Commission approves a preliminary plan,~~

conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within 15 days of the date that notification of the Planning Commission's action was provided to the applicant. See also 350-30.H. If the applicant fails to provide written acceptance of the conditional plan approval or if the applicant rejects any attached conditions, the plan approval shall be rescinded automatically without further action of the Planning Commission and the preliminary plan application shall be deemed denied.

**350-31 Final Plans**

**350-31.A APPLICATION PROCEDURE AND REQUIREMENTS**

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

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

Be accompanied by a minimum of 10 copies of the development plan, as described herein. (12779 §6 7/15/87)

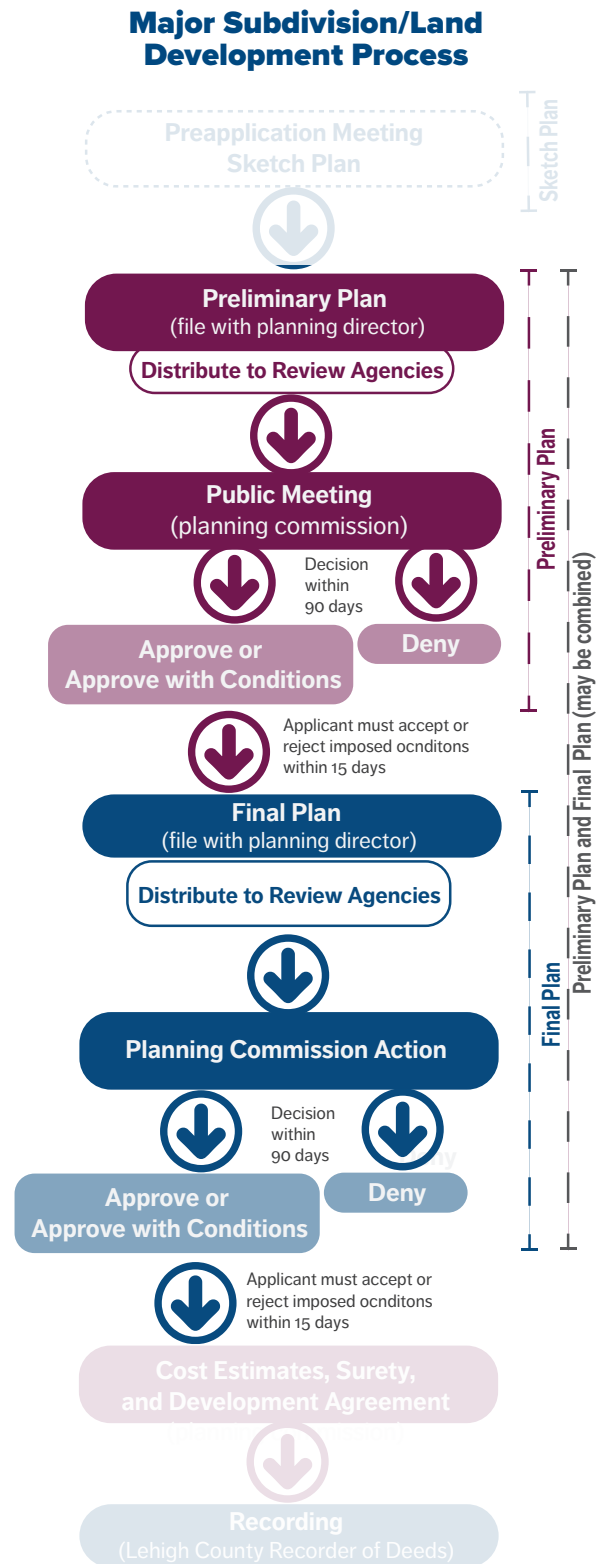
- (3) Comply in all respects with the preliminary plan as approved. (12779 §6 7/15/87)
- (4) Be accompanied by all formal, irrevocable offers of dedication to the public of all streets, utilities, parks, and easements on the land development agreement approved by the City Solicitor; and the final plan must be marked with a notation indicating dedications. (12779 §6 7/15/87)
- (5) See also the final plan submittal requirements of [350-25](#).

**350-31.B SUBMISSION OF PLANS**

All plans for final subdivisions and land developments must be complete with supporting documentation and must be submitted at least ~~2 weeks~~ 30 calendar days before the Planning Commission meeting at which such plan are to be considered.

**350-31.C CONCURRENT PROCESSING OF PRELIMINARY AND FINAL PLANS**

At the election of the applicant, an application for a combined preliminary/final plan approval may be made. In such an instance, the application will be reviewed pursuant



\*Applicants may elect to submit preliminary and final plans for concurrently processing

to both the preliminary and final plan requirements contained in this ordinance. (15001 §3 6/20/12)

**350-31.D REVIEW**

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

**350-31.E PLANNING COMMISSION ACTION**

- (1) After completion of the review procedures required by this ordinance, the Planning Commission must approve, conditionally approve, or disapprove the final plan within 90 days following official submission of the final plan at its regular meeting. The Planning Commission must render its decision and communicate it to the applicant no later than 90 days following the date of the regular meeting of the Planning Commission following the date the application is filed. Should the next regular meeting occur more than 30 days following the filing of the application, the 90-day period is measured from the 30th day following day ~~the~~ that a complete application was filed.
- (2) The decision of the Planning Commission shall be relayed to the developer within 15 days after the decision is rendered. ~~The Planning Commission's decision shall be relayed to the developer within 15 days after the date of the regular meeting of the Planning Commission at which public testimony is closed. (13014-§16 11/7/90)~~
- (3) Conditioned final approval is subject to the requirements of 350-30.L. (13014 § 1 6 11/7/90)

**350-31.F APPEALS**

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

**350-31.G DEVELOPER'S OBLIGATIONS**

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

- (1) **Monuments and Markers.** Monuments and markers must be placed by a registered professional pursuant to 350-6.B so that scored or marked point must coincide exactly with the intersection of lines to be marked and must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. (12779 §6 7/15/87)

- (2) **Streets.** Streets and alleys must be graded, surfaced and improved to the dimensions required by the cross-sections and the work must be performed in the manner prescribed in the standard specifications for road construction of the City Bureau of Engineering. (12779 §6 7/15/87)
- (3) **Curbs.** Curbs must be installed along both sides of the street. Curb size and material must comply with the specifications of the City Bureau of Engineering. The City Engineer may waive the requirement of curbs for public or private alleys pursuant to the provisions of the Curb and Sidewalk ordinance No. 12618, Section 907.01 or by the approval of the Curb Appeals Committee ordinance No. 12484, Section 907.04. (12779 §6 7/15/87)
- (4) **Sidewalks**
  - (a) Sidewalks with a minimum width of 5 feet must be installed on both sides of all streets except that when previously agreed upon, sidewalks must be installed on only one side of marginal access streets, and no sidewalk is required along service streets.
  - (b) Wherever sidewalks are required, curbs are also be required. The Planning Commission may waive sidewalk requirements and the City Engineer may waive the requirements of sidewalks for public or private alleys pursuant to the provisions of the Curb and Sidewalk ordinance No. 12484, Section 907.01 and ordinance No. 12618, Section 907.04. (12779 §6 7/15/87)
- (5) **Water.** The developer must provide the land development with a complete water main supply system which must be connected to the city water supply. The plans for the installation of a water main system must be prepared by the subdivider in cooperation with the City Bureau of Engineering. (12779 §6 7/15/87)
- (6) **Fire Hydrants.** Whenever a City or private water supply system is provided, fire hydrants must be installed in accordance with applicable city standards. (12779 §6 7/15/87)
- (7) **Sanitary Sewers.** The developer must provide the land development with a complete sanitary sewer system to be connected to the city sanitary sewer system as specified by the city. Sanitary lines greater than 4 inches in diameter and manholes on private property must be included as part of the cost estimate for land development. The plans for the installation of a sanitary sewer system must be prepared by the developer and approved by the City Engineer as well as the Pennsylvania State Department of Environmental Resources. (12779 §6 7/15/87)

- (8) **Storm Sewers.** The developer must provide the land development with an adequate storm water sewer system which may require detention and Best Management Practices (BMP's) and must be connected to an outlet approved by the City Engineer. All stormwater facilities, including those on private property must be included in the cost estimate for land development. ~~When the proposed land development cannot accommodate a detention facility, the developer shall pay a prorated fee to the city. Such fee shall be established by the City Engineer and said fee shall be included in the cost estimates. (12779 §6 7/15/87)~~
- (9) **Landscaping and Shade Trees.** A landscape plan must be prepared in accordance with the standards and specifications of the Zoning Ordinance and the Shade Tree ordinance No. 12241. (12779 §6 7/15/87)
- (10) **Traffic Signs.** Street name ~~and regulatory~~ signs must be approved by the Traffic Control Superintendent. (12779 §6 7/15/87)
- (11) **Contingency Fee.** A contingency fee of 10% of the total cost of all improvements must be included in the cost estimates. (12779 §67/15/87)
- (12) **Inspection.** The cost of all City inspections must be calculated at 5% of the actual cost to the developer of the improvements required by the city and must be paid directly to the city. (13014 §6 11/7/90)
- (13) **Street Lights.** In cooperation with the Pennsylvania Power and Light Company and the City, a street lighting plan must be prepared for the developer before final plan approval. Operating costs for a 3-year period must be deposited by the developer with the city. (12779 §6 7/15/87)
- (14) **As-Built Plans.** The developer is required to furnish as-built plans to the city. In order to assure the city that such plans are submitted, the cost of security of the as-built plan and profile surveys must be calculated as 2% of the actual cost to the developer of improvements required by the city and must be held as security until the as-built plans have been submitted in a format acceptable to the City Surveyor. See also the as-built plan submittal requirements of 350-27. (12779 §6 7/15/87)

#### 350-31.H SURETY

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

#### 350-31.I LAND DEVELOPMENT AGREEMENT

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

the following:

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

#### 350-31.J SIGNING AND RECORDING

- (1) The approval of a final plan by the Planning Commission is conditioned upon the developer entering into a land subdivision agreement and providing surety as set forth above. Upon completion of said conditions by the developer, the appropriate certifications and signatures must be affixed. (13014 §6 11/7/90)
- (2) A recorded plan from the endorsed original ink tracing of the land development must be filed with the Lehigh County Recorder of Deeds Office, for all land developments involving the subdivision of land, and such other land development as may be required by the Planning Director. (12779 §6 7/15/87)
- (3) Two reproducible mylars (or equivalent material) copies to drawn to scale approved by the City Engineer and the size approved by the Recorder of Deeds Office and ~~3~~ prints of the final plan, containing deed, book, volume and page numbers or docket ID number and signature of the County Recorder of Deeds must be returned to the Planning Director. (12779 §6 7/15/87)
- (4) The approved final plan must be made part of the land development agreement. No building permit may be issued until the land development agreement has been approved and signed by the developer and appropriate city officials. (12779 §6 7/15/87)
- (5) Failure to record the final plan and return copies to the Planning Director as specified above within 90 days after plan approval to with all appropriate signatures affixed will cause the action of the Planning Commission to become null and void. (12779 §6 7/15/87)
- (6) If, following the signing of the land development agreement either the developer or changes, or if part of the property changes hands, the conditions of the original signed agreement remain in force and still govern. If, however, the new developer or owner wishes

to change the plans, they must reapply to the Planning Commission for approval within 60 days of the transfer. (12779 §6 7/15/87)

**350-31.K SECTIONALIZING PLANS**

Before granting final approval of a land development plan, the Planning Commission may permit the plan to be divided into 2 or more sections and may impose such conditions as it may deem necessary to assure the orderly development of the approved plan. In the event of approval of sectionalizing, each section must be recorded with the Lehigh County Recorder of Deeds in accordance with 350-31.J. The development of each section of the plan requires a separate land development agreement and necessary surety to be approved by the city. (12779 §6 7/15/87)

**350-31.L AMENDMENTS TO APPROVED FINAL PLANS**

**(1) Minor Administrative Changes.**

(a) The Planning Director and City Engineer are authorized to approve technical and minor changes to approved final plans if the Planning Director and City Engineer determine that the proposed change:

- [1] Is in substantial compliance with the approved final plan; and
- [2] Is not classified as a Major Planning Commission Change in accordance with 350-31.L(2) or a change requiring resubmittal of a final plat for approval in accordance with 350-31.L(3).

(b) The Planning Director and City Engineer are also authorized to defer action on a proposed minor change and instead refer the requested change to the Planning Commission for consideration as a Major Planning Commission Change in accordance with 350-31.L(2).

**(2) Major Planning Commission Changes.** The Planning Commission is authorized to approve proposed changes to approved final plans if they determine that the proposed change:

- (a) Is in substantial compliance with the approved final plan;
- (b) Is not classified as a change requiring resubmittal of a final plat for approval in accordance with 350-31.L(3); and
- (c) Would not result in any of the following:
  - [1] A change to legal description of the land included within the final plan;
  - [2] An increase the number of lots or dwelling units on the site;

- [3] A decrease in the number of lots on the site;
- [4] A decrease in the number of dwelling units on the site by more than 15%;
- [5] An increase in the amount (floor area) of nonresidential development that affects the overall character of the project.
- [6] An increase in building heights by one or more stories;
- [7] A decrease in building height by 2 or more stories;
- [8] A decrease in the amount of approved open space;
- [9] Addition or removal of a note or restriction on the approved final plan;
- [10] A material alteration of drainage, streets, or other engineering design;
- [11] An adverse impact the management of stormwater quality or stormwater quantity; or
- [12] Significant adverse impacts on the surrounding properties or the city at large.

**(3) Resubmittal for Approval.** Changes to final plans that are not eligible for approval in accordance with the Minor Administrative Change or Major Planning Commission Change provisions of 350-31.L(1) or 350-31.L(2) must be resubmitted for approval in accordance with all applicable preliminary and/or final plan approval procedures of this ordinance, including all requirements for fees, notices and hearings. The following is a non-exhaustive list of changes that expressly require full resubmittal and re-approval:

- (a) A new street;
- (b) Dedication of any lands for public use;
- (c) Vacation of streets or easements;
- (d) Significant increase in demand for services (e.g., utilities, drainage, schools, traffic control, streets, etc.) or interference with the ability to maintain existing service levels;
- (e) The creation of a lot that would be subject to periodic flooding which cannot be feasibly corrected, as determined by the City Engineer or Floodplain Manager; or
- (f) Any modification that the Planning Commission determines will result in a substantial change thereby rendering the plan not in compliance with the approved final plan.

**350-31.M EXPIRATION OF FINAL APPROVAL**

- (1) All approved final plans must be completed, including the provision of financial surety for improvements and the filing and recording of the final approved plan within 2-5 years of the Planning Commission's approval date. (13014 §16 11/7/90)
- (2) The Planning Director is authorized to approve one or more extensions of the 5-year time-frame provided that the total cumulative period of extension does not exceed 90 days.
- (3) The Planning Commission is authorized to approve one or more extensions of the 5-year time-frame provided that the total cumulative period of extension does not exceed 2 years.
- (4) All requests for extensions must be submitted in writing before expiration of final plan approval and include substantial evidence demonstrating compliance with one or more of the following criteria:
  - (a) The applicant's reasonable efforts to record the land development and actions taken to secure other approvals required from other permitting authorities to allow for recording of the land development plan;
  - (b) Identification of substantial expenditures made or substantial obligations incurred in reliance on the approval or conditional approval and in furtherance of the proposed development; or
  - (c) A Force Majeure, Act of God or extreme economic market conditions (rather than acts of omission by the applicant or owner) caused the need for a time extension.
- (5) Approved extensions may be subject to reasonable conditions.

**350-32 Completion of Improvements or Guarantee**

**350-32.A GENERAL**

- (1) No plat may receive final approval unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other required improvements have been installed in accordance with this ordinance.
- (2) In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required under this ordinance, the developer or subdivider must deposit with the city a financial surety in an amount sufficient to cover the costs of such improvements or common amenities including,

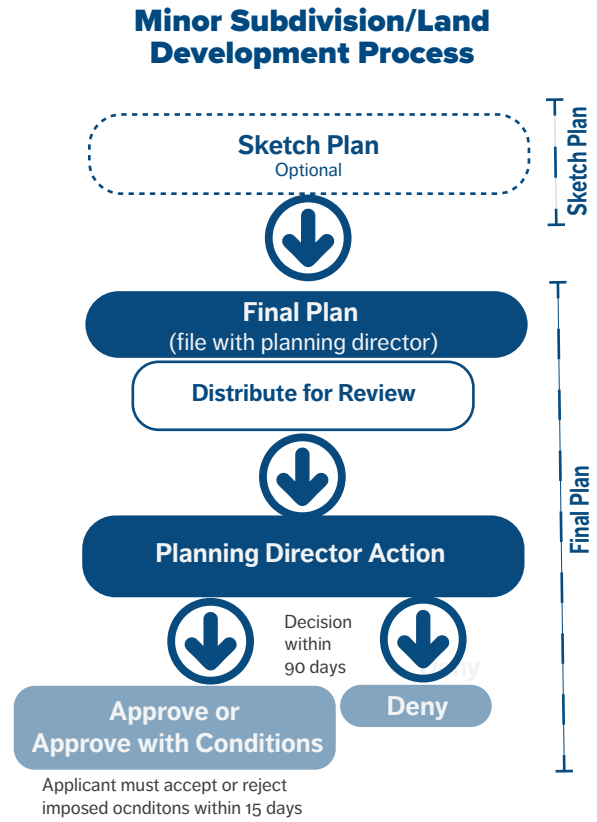
but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings which may be required.

**350-32.B FINANCIAL SURETY**

- (1) Without limiting other types of financial surety that the city may approve, federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions are deemed to be acceptable financial security. If multiple sources of security are used, the improvements covered by each security must be defined in the cost estimates.
- (2) Financial surety must be posted with a bonding company or federal or Commonwealth chartered lending institution chose by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- (3) The surety must provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- (4) The amount of financial surety to be posted for the completion of the required improvements must be equal to at least 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the city may adjust the amount of the financial surety comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the city may require the developer to post additional surety in order to assure that the financial security equals at least 110%. Any additional surety must be posted by the developer in accordance with this subsection.
- (5) The amount of financial surety required must be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth and certified by the engineer to be a fair and reasonable estimate of such cost. The City Engineer may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate must be recalculated and recertified by another professional engineer licensed

as such in this Commonwealth and chosen mutually by the city and the applicant or developer. The estimate certified by the third engineer will be presumed fair and reasonable and constitute the final estimate. If a third engineer is so chosen, fees for the services of the third engineer must be paid equally by the city and the applicant or developer.

- (6) If the applicant posting the financial security requires more than one year from the date of posting of the financial surety to complete the required improvements, the amount of financial surety may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial surety or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- (7) If development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- (8) As the work of installing the required improvements proceeds, the applicant posting the financial security may request the release, from time to time, of portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests must be in writing addressed to the City Engineer. The City Engineer has 45 days from the receipt of such request within which to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the City Engineer must authorize release by the bonding company or lending institution of an amount as estimated to fairly represent the value of the improvements completed. The development agreement may, before final release at the time of completion and certification by the City Engineer, specify the retention of 10% of the estimated cost of the improvements.
- (9) When the City Engineer accepts dedication of all or some of the required improvements following completion, the developer is required to post a financial guarantee to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. The financial surety must be of the same type as otherwise required in this section with regard



to installation of improvements, and the amount of the financial surety must be at least 10% of the actual cost of installation of said improvements.

**350-33 Release from Improvement**

**350-33.A DEVELOPER REQUEST**

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

**350-33.B CITY ENGINEER'S ACTION**

- (1) Upon receipt of the developer's request for release, the City Engineer must file a report, in writing, with the Planning Commission, and must promptly mail a copy of the same to the developer by certified mail. The report must be made and mailed within 30 days after receipt of the developer's request. The report must be detailed and must indicate approval or rejection of the improvements, either in whole or in part, and if the improvements, or any portion thereof, are not approved or are rejected by the City Engineer, the report must contain a statement of reasons for such non-approval or rejection.

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

**350-34 Remedies to Effect Completion of Improvements**

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

**350-35 Minor Subdivision/Land Development**

**350-35.A APPLICATION PROCEDURE**

A minor subdivision or minor land development (as defined in Article 5) may be submitted as a final plan and must comply with the requirements of this ordinance, including all application and final plan details for the subject minor land development or minor subdivision and any necessary supporting documentation, and procedures for signing and recording, and must be recorded in the Office of the Recorder of Deeds for Lehigh County. Minor land development plans are not required to be recorded unless so directed by the Planning Director. Each submission must be accompanied by a minimum of 10 copies of the development plan in such format and numbers as established administratively. See also the minor subdivision and minor land development plan submittal requirements of 350-26.

**350-35.B PLANNING COMMISSION APPROVAL**

A minor subdivision plan or minor land development is not required to have Planning Commission approval unless so requested by the applicant, city staff or another review agency. ~~A minor subdivision or minor land development may be referred to the Planning Commission for review and approval if requested by either city staff or other review agency.~~

**350-35.C LOT COMBINATIONS**

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

**350-35.D FUTURE SUBDIVISION POTENTIAL**

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

**350-35.E APPEALS**

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

**350-36 Waivers and Modifications**

**350-36.A AUTHORITY**

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



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this ordinance and the Land Development Controls Ordinance (Chapter 355) for minor subdivisions and minor land developments. The City Engineer is also authorized to refer such waiver and modification requests to the Planning Commission for review and action.

**350-36.B PHYSICAL HARDSHIP PROCESS AND CRITERIA FOR APPROVAL**

~~Where it is found that unique physical conditions create undue hardship, the Planning Commission may vary these regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of these regulations. (12369 §1 7/18/79)~~When, owing to special conditions pertaining to the land in question, a literal enforcement of any of the requirements of this ordinance would be unreasonable, would cause undue hardship or when the applicant demonstrates that an alternative compliance measure will provide equal or better results, the authorized decision-making body may make such reasonable exception to such requirement as will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for waivers of modifications must be provided in writing and be part of the application for subdivision or land development approval. In the request for a waiver or modification, the applicant must:

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

**350-36.C CONDITIONS**

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

~~Extraordinary Hardships Where extraordinary hardships, practical difficulties or unnecessary information for review purposes may result from strict compliance minor subdivision final plan requirements, the Planning Director may vary these requirements provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations. (12369 §1 7/18/79)~~

**350-37 Amendments**

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

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**ARTICLE 5      DEFINITIONS**

350-36    General ..... 5-2  
350-37    Terms Beginning with "A" ..... 5-2  
350-38    Terms Beginning with "B" ..... 5-3  
350-39    Terms Beginning with "C" ..... 5-3  
350-40    Terms Beginning with "D" ..... 5-3  
350-41    Terms Beginning with "E" ..... 5-3  
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**350-38 General**

**350-38.A MEANINGS AND INTENT**

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

**350-38.B CONJUNCTIONS**

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

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

**350-38.C COMPUTATION OF TIME**

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

**350-38.D TENSES AND USAGE**

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

**350-38.E ABBREVIATIONS**

Certain terms are sometimes abbreviated in this ordinance. Abbreviations have the meanings assigned in [Table 135-1](#).

**Table 135-1. Abbreviations**

ABBREVIATION	MEANING
BFE	Base Flood Elevation
CPC	City Planning Commission
Ft.	Feet
In.	Inches

**Table 135-1. Abbreviations**

Max.	Maximum
MPC	Municipalities Planning Code
Min.	Minimum
NPDES	National Pollutant Discharge Elimination System
PA-DEP	Pennsylvania Department of Environmental Protection
ROW	Right-of-way
Sq. Ft.	Square Feet

**350-38.F VERSIONS AND CITATIONS**

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

**350-38.G LISTS AND EXAMPLES**

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

**350-38.H PUBLIC OFFICIALS AND AGENCIES**

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

**350-39 Terms Beginning with "A"**

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

**ALLEY (PUBLIC).** A minor right-of-way providing secondary access to the side or rear of one or more properties, ~~but which must have a maximum right-of-way width of twenty-four (24) feet.~~ *(12779 §2 7/15/87)*

**ALLEY (PRIVATE).** A minor right-of-way providing secondary access to the side or rear of one or more properties, ~~but which must have a minimum right-of-way width of sixteen (16) feet.~~ *(12779 §2 7/15/87)*

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

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

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

**350-40 Terms Beginning with "B"**

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

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

**BUILDING LINE.** A line that is a specified distance from, and generally parallel to, the street, right-of-way line or lines, upon which the lot abuts. ~~Between the building line (or setback) and the right-of-way line or lines, enclosed structures are prohibited.~~ (12779 §2 7/15/87)

**350-41 Terms Beginning with "C"**

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

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

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

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

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

**CROSSOVER, DRIVEWAY.** That portion of a sidewalk area that provides a transition between a street and a driveway

for the purpose of providing ingress and/or egress to an adjacent property. (12779 §2 7/15/87)

**350-42 Terms Beginning with "D"**

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

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

**350-43 Terms Beginning with "E"**

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

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

**350-44 Terms Beginning with "F"**

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

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

**350-45 Terms Beginning with "G"**

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

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

**350-46 Terms Beginning with "H"**

RESERVED

**350-47 Terms Beginning with "I"**

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

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

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

**350-48 Terms Beginning with "J"**

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

**350-49 Terms Beginning with "K"**

RESERVED

**350-50 Terms Beginning with "L"**

**LAND DEVELOPMENT**

- (1) A subdivision of land. (12779 §2 7/15/87); or
- (2) The improvement of one lot or 2 or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (a) A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

This "land development" definition expressly exclude all of the following:

- 1. The conversion of an existing single-household detached or semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium.
- 2. The addition of an accessory building subordinate to an existing principal building.

- 3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract of area used principally as a location for permanent amusement structures or rides. This exclusion does not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by applicable authorities. (13014 §2 11/7/90)
- 4. Projects that do not require additional public improvements in order to comply with the requirements of this ordinance, the city's shade tree ordinance, and other relevant ordinances and regulations, as determined by City Engineer.
- 5. Interior renovations (unless otherwise expressly specified), minor additions, and improvements that do not necessitate new engineering drawings, as determined by the City Engineer.

**LAND DEVELOPMENT, MAJOR.** All land developments that do not meet the definition of a "minor land development" or that include one or more major adjustments pursuant to section 66-115 of the zoning ordinance.

**LAND DEVELOPMENT, MINOR.** A proposed single-lot, single-structure land development where, in the opinion of the Planning Director, the impact and intensity of the land development does not warrant review by the Allentown City Planning Commission. (13014 §2 11/7/90) that will result in no more than 20,000 square feet of grading or land disturbance area and a net increase of no more than:

- 1. 15,000 square feet of gross floor area; or
- 2. 6 dwelling units.

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

**350-51 Terms Beginning with "M"**

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

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

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

**350-52 Terms Beginning with "N"**  
RESERVED

**350-53 Terms Beginning with "O"**  
**OFFICIAL MAP.** A map showing existing and proposed streets approved by the Planning Commission and adopted by City Council. Such a map is deemed to be conclusive with respect to the location, width, and size of the streets, public parks, and playgrounds. (12779 §2 7/15/87)

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

**350-54 Terms Beginning with "P"**  
**PLAT.** A map representing a tract of land, showing the boundaries and location of individual properties and streets. (12779 §2 7/15/87)

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

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

**PRELIMINARY PLAN.** The preliminary drawing or drawings, described herein, indicating the proposed manner or layout of the land development to be submitted to the Planning Commission for approval. (12779 §2 7/15/87) 39.

**350-55 Terms Beginning with "Q"**  
RESERVED

**350-56 Terms Beginning with "R"**

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

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

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

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

**350-57 Terms Beginning with "S"**

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

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

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

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

**STREETS, PUBLIC.** A right-of-way dedicated to the public for the movement of traffic with space for utilities and providing access to abutting properties. ~~May also be referred to as an avenue, road, boulevard, expressway, court or lane with a right-of-way width greater than twenty-four (24) feet.~~ (12779 §2 7/15/87)

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

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

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

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

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

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

**STREET, PRIVATE.** Any street or road not dedicated for public use, but which shall have a minimum cartway width of twenty-four (24) feet. (12779 §2 7/15/87)

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

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

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

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

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

**SUBSTANTIALLY COMPLETED.** Where, in the judgment of the City Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Article 1375) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURETY.** A legal instrument under which one party agrees to answer to the city for the debt, default, or failure to perform of the developer. For the purposes of this ordinance all sureties shall be posted with a bonding company or Federal or Commonwealth chartered lending institution authorized to conduct such business within the Commonwealth. (13014 §2-11/7/90)

**350-58 Terms Beginning with "T"**.....

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

**350-59 Terms Beginning with "U"**.....

RESERVED

**350-60 Terms Beginning with "V"**.....

RESERVED

**350-61 Terms Beginning with "W"**.....

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

**350-62 Terms Beginning with "X"**.....

RESERVED

**350-63 Terms Beginning with "Y"**.....

RESERVED

**350-64 Terms Beginning with "Z"**.....

RESERVED