Julio A. Guridy, President
Ray O'Connell, Vice President
Joseph Davis
Jeanette Eichenwald
Jeff Glazier
Cynthia Y. Mota
Peter Schweyer

Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
AllentownPa.Gov

Facebook: Allentown City Council

COUNCIL MEETING
August 21, 2013
COUNCIL CHAMBERS
435 Hamilton Street

SPECIAL COMMITTEE MEETING 5:00 PM

1. Call to Order
2. Services City receives from non-profits – Hospitals/ Colleges
3. Tax Exempt Properties – Verify 29% and Identify largest properties
4. Criterion for Tax Exemption and Veteran Exemptions
5. What taxes are collected from non-profits?
6. Future Action
7. Adjourn

PARKS AND RECREATION – 6:00 PM

Bill 40 Golf Ordinance
Amending the 2013 Golf Course Fund Budget to provide for a supplemental appropriation of Sixty Thousand ($60,000) Dollars to provide for Driving Range improvements.

R26 Jordan Dam
Authorizes the grant for the elimination of the a low-head dam and public safety hazard in Jordan Creek at the Jordan Creek Park – (housekeeping measure - no impact on Robin Hood or Fish Hatchery Dam)

PUBLIC WORKS COMMITTEE MEETING – 6:30 PM

R25 1728 Union Street Union Street Encroachment
Encroachment for a Fire Escape at 1728 Union Street

PUBLIC HEARING MEETING – 6:45 PM

City Council will have a Public Hearing on Wednesday, August 21, 2013, at 6:45 p.m. in Council Chambers, 435 Hamilton Street, Allentown, PA 18101 on the possible adoption an Ordinance amending the City of Allentown Zoning Ordinance and Zoning Map. This proposed amendment, of which this Notice is a summary, proposes the following: (1) to rezone 11 parcels of property in the vicinity of 6th and Cumberland Streets in Allentown, commonly known as the former Montex Mills site, from the Business/Light Industrial (B/LI) District and the Medium High Density Residential (R-MH) District to a Medium Density Residential (R-M) District; (2) to provide for a definition of "Pocket Neighborhood Development" and to permit the Pocket Neighborhood Development use in Medium Density Residential (R-M) District by right; (3) to establish Development Standards, relative minimum tract size, uses, dimensional requirements, common open space, maintenance, parking, alleys, landscaping and pedestrian pathways for Pocket Neighborhood Developments; (4) to establish Design Guidelines relating to development configuration, common open space, location, size, front porches, views toward open spaces, privacy between buildings, community buildings and elements, parking, refuse and recycling, pedestrian networks and work/live provisions for Pocket Neighborhood Developments; (5) to repeal any conflicting ordinances or parts thereof; (6) to provide for severability of parts of this ordinance deemed to be invalid; and (8) to provide for an effective date.

Council Meeting – 7:00 PM

1. **Invocation: Joe Davis**
2. **Pledge to the Flag**
3. **Roll Call**
4. **Courtesy of the Floor**
5. **Approval of Minutes: August 7, 2013**
6. **Old Business**
7. **Communications**

8. **Committee Meetings**

Budget and Finance: Chairperson Schweyer
Public Safety: Chairperson Eichenwald
Community and Economic Development: Chairperson Davis
Parks and Recreation: Chairperson Mota
Public Works: Chairperson O'Connell
Human Resources, Administration and Appointments: Chairperson Glazier
Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy
Special Committee – Tax Exempt Properties – Chairperson Eichenwald

OTHER COMMITTEE REPORTS
Controller's Report
Managing Director's Report

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 32 Zoning Ordinance Amendment
An amendment to the city of Allentown zoning ordinance to permit "pocket neighborhood development" in the R-M Medium Density Residential District, to establish requirements for a pocket neighborhood development, and to amend the zoning map to change an area of land south of Cumberland St. that is east of S. Virginia St. to the R-M district.

Bill 35 Amended Establish CGP accounts Ordinance
Amending the 2013-2014 Consolidated Grants Program budget which consists of the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant Program (ESG) to provide for an additional appropriation of $ 429,822 in CDBG funds, $127,777 in HOME funds and a reduction of $53,482 in ESG funds, for a net increase of $504,177 in funds.

Bill 36 Appropriation for Special Events
Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Twenty-Nine Thousand Five Hundred and Fifty-Five Dollars ($29,585) to the DCED Office Expenditure Accounts from the DCED Special Events Revenue Account.

Bill 37 Historic District Ordinance
Amends Article 1391, Historic Districts to more specifically define and outline the duties and responsibilities for the Historic Districts.

Bill 38 Street Sidewalk Vendors CEDC, Recommended Favorably
Suggested Amendments on the Appeal Process and specific reference to removing Article 961.19
Amending Article 740, Street and Sidewalk Vendors, by providing new regulations, licensing and enforcement provisions for mobile vendors seeking to operate on city streets, the public-right-of-way and parking lots.

Bill 40 Golf Ordinance
Amending the 2013 Golf Course Fund Budget to provide for a supplemental appropriation of Sixty Thousand ($60,000) Dollars to provide for Driving Range improvements.

11. ORDINANCES FOR INTRODUCTION: None

12. CONSENT AGENDA:

CA-1 HARB
Certificates of Appropriateness for Work in the Historic Districts

13. RESOLUTIONS ON SECOND READING:

R21 Amended Action Plan Resolution
Approves the Submission of the Revised Action Plan to the United States Department of Housing and Urban Development

R25 1728 Union Street Union Street Encroachment
Encroachment for a Fire Escape at 1728 Union Street

14. RESOLUTIONS ON FIRST READING:

R26 Jordan Dam (to be discussed at committee and voted on)
Authorizes the grant for the elimination of the a low-head dam and public safety hazard in Jordan Creek at the Jordan Creek Park – (housekeeping measure - no impact on Robin Hood or Fish Hatchery Dam)

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURNED

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 32 – 2013

JUNE 19, 2013

AN ORDINANCE

AN AMENDMENT TO THE CITY OF
ALLENTOWN ZONING ORDINANCE TO PERMIT
"POCKET NEIGHBORHOOD DEVELOPMENT" IN THE
R-M MEDIUM DENSITY RESIDENTIAL DISTRICT, TO
ESTABLISH REQUIREMENTS FOR A POCKET NEIGHBORHOOD
DEVELOPMENT, AND TO AMEND THE
ZONING MAP TO CHANGE AN AREA OF
LAND SOUTH OF CUMBERLAND ST. THAT IS EAST OF
S. VIRGINIA ST. TO THE R-M DISTRICT.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the following is hereby adopted as an amendment to the City of Allentown Zoning Ordinance:

Section 1. Zoning Map

The Zoning Map is hereby amended to change the land area shown on the map entitled "Exhibit A" to be within the R-M Medium Density Residential District.

Section 2. Definitions.

The following new definition is added to Section 1313.01 in alphabetical order:

"Pocket Neighborhood Development means a residential development that meets the requirements of Section 1315.02.02 and that: a) involves required common open space, with many of the dwellings facing onto that open space, b) includes pedestrian-friendly site designs that help to create an identifiable neighborhood, c) minimizes the views of garage doors along the front of most dwellings along streets, and d) does not include a building with two or more multi-family dwellings."

Section 3. Uses

In Section 1313.01.A. regarding permitted residential uses, add a new category in a new row to state

"Pocket Neighborhood Development meeting the requirements of Section 1315.02.2." For this use, all of the columns shall include a "N" for not permitted, except that the R-M district shall include a "P" for permitted by right.

Section 4. Development Standards

The following new Section 1315.02.2 is hereby added:

"Pocket Neighborhood Development Requirements.

The following requirements shall apply to a project approved as a Pocket Neighborhood Development, in place of the requirements of Section 1315.01.

A. Purposes. To promote Pocket Neighborhood Development, which mainly involves a mix of singles, twins and townhouses, with many of the units facing onto usable common open space. To encourage the creation of more usable open space for residents of the development through flexibility in density and lot standards. To promote pedestrian-friendly site designs. To encourage an identifiable neighborhood that promotes oversight of the area by residents (including through use of front porches), and that places most homes in clusters that are accessible to common open space. To encourage a stronger sense of community and security among nearby neighbors, while preserving personal privacy. To encourage housing patterns that minimize the visibility of garage doors and minimize conflicts between driveways and sidewalks. To seek that the housing include traditional designs, including pitched roofs, varieties in rooflines, prominent front porches, dormers, large windows and similar features. These provisions also recognize that modest-sized new dwellings typically generate less parking demand and reduced impacts compared to larger dwelling units. To promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs, especially including smaller households. To encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses.

B. Minimum Tract Size. The "Total Area of the Tract" shall not be less than 4 acres. This acreage may include adjacent lots in common ownership that are separated by streets.

C. Uses. The only uses allowed within a Pocket Neighborhood Development shall be: single family detached dwellings, twin dwellings, rowhouses/townhouses, live/work units, common open space, community building, temporary real estate sales office/model home, and accessory vehicle parking lots and vehicle garages. In addition, a maximum of one other dwelling unit that is physically placed above other allowed non-residential uses may be allowed per acre, , provided there is compliance with the total maximum density for the tract. Each of these uses shall be permitted by right, if the requirements for a Pocket Neighborhood Development are met.

1. In addition, a maximum of 5 percent of the dwelling units may be live work units/ live work space, in compliance with Section 1327.03. These units shall be permitted by right, provided that the location of such units are identified in the approved subdivision or land development plan. Such live work units/live work space shall be limited to offices, arts/crafts studio or personal services, or music, dance or art instruction involving a maximum of 3 students at a time. Such units_shall not include retail sales.

2. The same accessory uses shall be permitted by right within a Pocket Neighborhood Development as are listed as permitted by right for the R-M district in Article 1313. The same accessory uses shall be special exception uses within a Pocket Neighborhood Development as are listed as special exception uses for the R-M district in Article 1313. However, a Family Child Care Home shall not be allowed.

3. No residential dwelling unit shall have more than 3 bedrooms.

D. Dimensional Requirements.

1. This section is intended to allow flexibility in the placement of dwelling units. Fee-simple lots with separate lot lines are not required for individual *dwellings*.

2. The Total Area of the Tract (as defined in Section 1303.01) measured in acreage shall be multiplied by 10 dwelling units per acre to determine the maximum total density of the tract. Existing streets shall be deducted from the Total Area of the Tract, but paper streets and alleys and streets and alleys that have not been opened to vehicle traffic may be included.

3. The minimum setback for buildings from the right-of-way of a street shall be 5 feet. This setback may be occupied by an unenclosed porch (which may have a roof).

4. The minimum setback for buildings from the right-of-way of an alley shall be 3 feet. The applicant shall prove to the satisfaction of the City Engineer that there will be adequate turning radius for vehicles to enter and exit garages, considering the paved width of the alley in front of the garage doors.

   a. Where detached vehicle garages are provided, single, twin and townhouse dwellings shall be setback a minimum of 5 feet from such garages. A garage serving a dwelling may be connected to a dwelling by an unenclosed breezeway.

   b. The following minimum setbacks shall apply from the perimeter lot line of the Pocket Neighborhood Development (and that is not a street or an alley):
      (1) 20 feet for a dwelling from an abutting lot that is residentially zoned;
      (2) 10 feet for a dwelling from an abutting lot that is not residentially zoned; and
      (3) 5 feet for a detached accessory building.

   c. The minimum separation distance between dwellings that are not lawfully attached shall be 10 feet.

   d. A maximum of 5 dwelling units may be attached together in any manner.

   e. Swimming pools shall not be allowed in the Pocket Neighborhood Development.

5. No more than 25 percent of the dwelling units may include a vehicle garage door(s) that face onto a public street or vehicle driveways within the front yard along a public street.

a. Where garages are attached to a dwelling, the garage doors shall not have a smaller setback from a public street than the front of the main residential portion of the dwelling.

b. Townhouses shall not have their own attached vehicle garage door(s) facing onto a street, and shall not have vehicle driveways between the townhouse and the street.

6. A minimum of 80 percent of the dwelling units shall include an unenclosed front, side or rear porch and/or a balcony or deck with a minimum square footage for each dwelling unit of at least 70 square feet.

a. However, for dwelling units with a floor area of less than 700 square feet, such size may be reduced from 70 to 50 square feet.

b. Such porch, balcony or deck may have a roof, but shall be open on at least 2 of 4 sides.

7. Required Commons areas shall each have a minimum area of 200 square feet and a minimum width of 20 feet. The Commons areas shall be part of the required common open space.

a. A minimum of 60 percent of the dwelling units shall be located abutting or at least partly within 100 feet from a landscaped Commons area.

8. Individual dwellings shall not be required to directly abut a street, if all of the following requirements are met:

a. each dwelling has access using a sidewalk or other hard-surfaced ADA accessible pedestrian pathway to a detached vehicle garage, and the garage has vehicle access onto a street or alley,

b. each dwelling has access using a sidewalk or other hard-surfaced ADA-accessible pedestrian pathway to reach a street, and

c. the dwelling abuts landscaped common open space.

d. this may require a waiver to be granted from the requirements of the Subdivision and Land Development Ordinance.

9. Individual dwellings shall not be required to have their own vehicle access onto a street if each dwelling has access to a detached vehicle garage within the tract that has access to a street or alley.

10. The placement of dwelling units in relation to a street and fire hydrants shall be subject to review by the Fire Department.

11. Dwellings shall not be placed on portions of building sites with a natural slope of 25

percent or greater.

12. The maximum height shall be 3 stories or 38 feet, whichever is more restrictive.

13. The maximum building coverage shall be 50 percent. This coverage shall only apply to the Total Area of the Tract (as opposed to individual lots) and shall be measured at the time of completion.

14. Each dwelling unit shall have a minimum width and minimum length of 20 feet. Each dwelling unit shall have a minimum heated indoor square footage of 600 square feet and a maximum total indoor square footage of 2,000 square feet. Each dwelling unit shall not include more than 3 bedrooms.

15. A side of a dwelling that faces onto a public street shall include at least two of the following features:

    a. a porch,
    b. two or more windows,
    c. one or more dormers,
    d. the use of at least two types of building materials,
    e. variations in roof lines, and/or
    f. a variation in building setback of at least one foot.

E. Common Open Space. A minimum of 10 percent of the Total Area of the Tract shall be preserved in "common open space." The common open space shall be: a) preserved through a Conservation Easement that is enforceable by the City, and b) maintained by a legally binding homeowner association, unless the City specifically approves an alternative method of ownership and maintenance in response to a request by the applicant.

1. A portion of the required open space shall be used for landscaped "Commons" areas that are adjacent to dwelling units. The common open space may also include community gardens.
2. Wetlands, ponds and lands with a slope greater than 25 percent shall not count towards the required amount of common open space.

F. Maintenance. The applicant shall prove to the City, based upon review by the City Solicitor's Office, that there will be a suitable legally-binding system in place, such as homeowner association agreements, to provide a process in proper legal form to maintain and fund shared facilities. The City Solicitor's Office is not required to review the amounts of any fees. Those shared facilities may include, but are not limited to, shared parking areas, common open spaces and alleys.

G. Parking. The Pocket Neighborhood Development shall provide a minimum average of 2 off-street parking spaces per dwelling unit. An average of at least 1.5 parking spaces per dwelling unit shall be located in off-street locations and may be provided in parking lots or garages that are not necessarily on the same lot as the dwelling it serves. However, in those cases such spaces shall be located within 200 feet of the dwelling and be accessible through pathways or sidewalks.

1. On-street parking spaces along streets may be used to count towards a maximum

average of 0.5 parking spaces per dwelling unit of this requirement, On-street parking spaces shall not be reserved for individual residents.

2. Parking spaces that are immediately in front of and on the same side of the street as pre-existing dwellings shall not be counted to meet the requirements for new dwellings.
3. Any shared parking lot shall include an area designed to be used for the storage of snow that does not affect the number of parking spaces provided.
4. An off-street parking lot to serve the dwellings in the Pocket Neighborhood Development may be the principal use of a lot, as a permitted by right use.

H. Alleys. Any alleys shall have a minimum right--of-way width of 20 feet and a minimum cartway width of 14 feet. Any new alleys shall be owned and maintained by a homeowner association, unless the City specifically approves an alternative.

I. Landscaping. A landscaping and street tree plan shall be submitted with the Pocket Neighborhood Development application. Such plan shall also address plantings within the common open spaces.

1. A minimum average of one deciduous shade tree shall be required for every 1,000 square feet of required common open space, unless existing trees will be preserved that will serve the same purpose. These trees shall be in addition to any required street trees.
2. The development shall meet the provisions of the prevailing Shade Tree Ordinance of the City.

J. Pedestrians. The Pocket Neighborhood Development shall include a system of sidewalks along streets and other pedestrian pathways that connect together the various parts of the development.

K. Design Guidelines. The applicant for a Pocket Neighborhood Development shall submit a narrative describing how the proposed plans do or do not comply with the Design Guidelines that are included in Appendix A."

Section 5. Design Guidelines.

The following Design Guidelines shall be included as a new Appendix A of the Zoning Ordinance.

"Appendix A

POCKET NEIGHBORHOOD DEVELOPMENT
DESIGN GUIDELINES

The following are advisory design guidelines that are intended to be used by an applicant and the Planning Commission in reviewing a Pocket Neighborhood Development. In the event that any of the following guidelines conflict with the provisions found in Section 1315.02.2 of this ordinance, the provisions of Section 1315.02.2 shall prevail.

A. Purposes. To serve the purposes provided in Section 1315.02.2.

B. Development Configuration

1. Most dwellings are intended to be placed in Pocket Neighborhood Clusters adjacent to Commons. Between 4 and 12 dwellings should be located in a cluster.

2. Secondary configurations may be street-oriented porch-front dwellings with access alleyway parking, and carriage and live-work dwellings along access alleyways. Where there are few reasonable alternatives, dwellings may have driveways located off of streets.

C Design Standards.

1. Common Open Space in Pocket Neighborhood Clusters should:
   a. have individual dwelling entrances oriented towards the open space;
   b. have at least 75 percent of the dwelling units abutting a common open space;
   c. have dwellings abutting at least two sides.

2. Location. Private open space should separate the main entrance to the dwelling from the common open space or street by a hedge or fence not to exceed 36 inches in height. Private open space may be located in the side and rear yards as well.

3. Size. Each residential unit should be provided with a minimum of 200 square feet of usable private open space, with no dimension less than 10 feet. Such open space requirements may be met with a combination of front, side or rear yard locations. Units built above garages and Live-Work Units may be omitted from this standard.

4. Front Porch.
   a. Intent. A covered front porch is a key element in fostering neighborly connections, providing a human scale to a dwelling, and offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these purposes.
   b. Location. Every dwelling should have a covered entry porch oriented toward the common open space or street. This porch should be open on at least two sides, and should not be enclosed.
   c. Live-work units may have covered entry porches located off of an alley.
   d. Size. The covered porch should be greater than 70 square feet in area, with a minimum of dimension of 6 feet, except that dwellings less than 700 square feet in size may have a porch greater than 50 square feet in area and 5 feet minimum dimension.

5. Eyes on Public Space.
   a. Intent. The first line of defense for personal and community security is a strong network of neighbors who know and care for one another. When the active dwelling spaces look onto public space, a stranger is noticed. As well, nearby neighbors can see if daily patterns are askew next door or be called upon in an emergency.
   b. Common Open Spaces, Streets and Alleys should have a minimum of one residential dwelling window providing clear surveillance of public and semi-public

landscaping or architectural screening.

9. Storage. Every dwelling should have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a garage if it does not preclude vehicle parking, or in a storage shed.

10. Refuse & Recycling.
    a. Storage of these containers should be located so their visual and odorous impact on adjacent properties is minimized.
    b. Refuse and recycling containers should be screened from view by landscaping or architectural screening, and should not be located in the front setback area, or where smells may be offensive to adjacent properties.

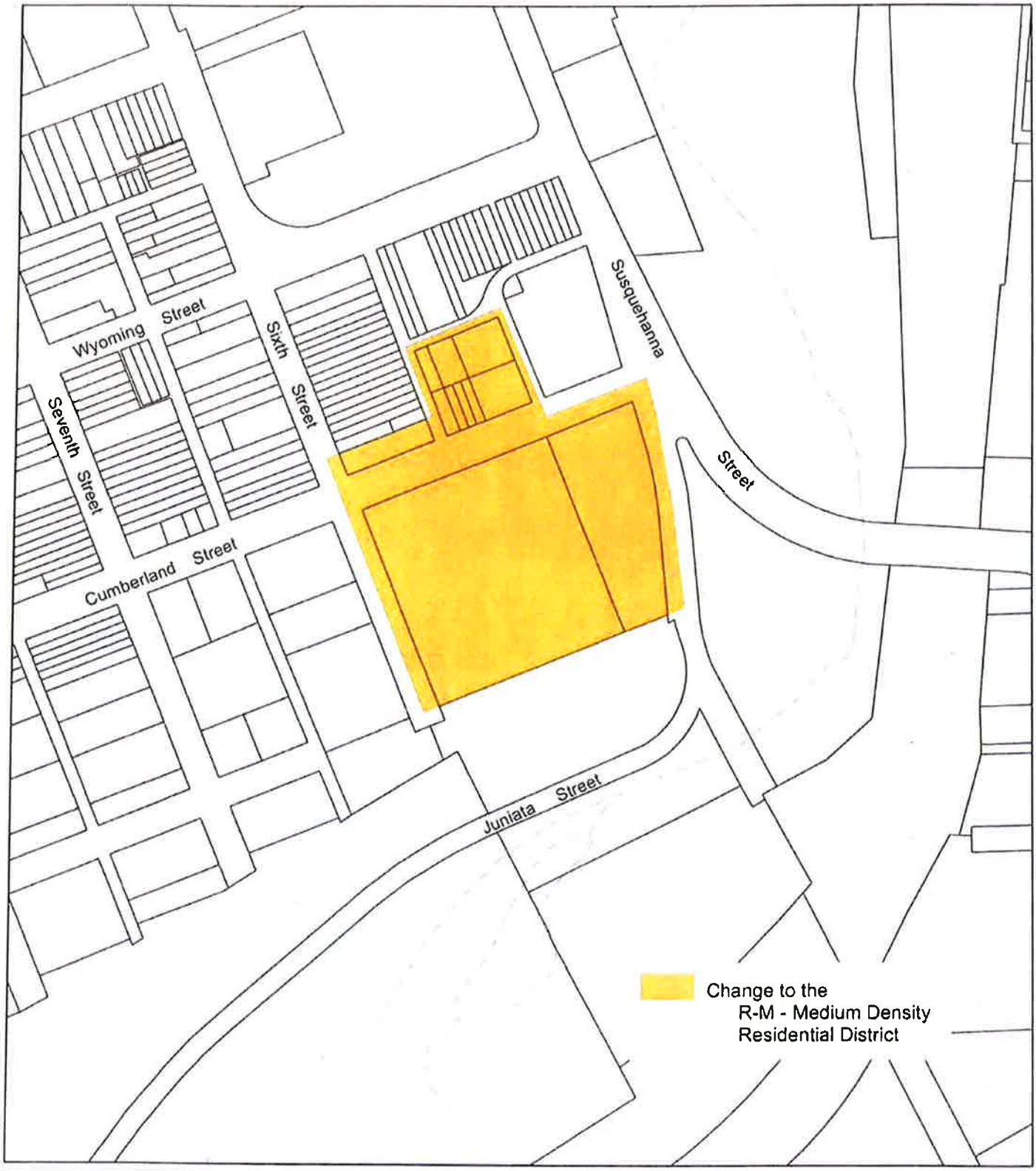
11. Pedestrian Network.
    a. Pocket Neighborhood Developments should provide a network of pedestrian pathways, including sidewalks along at least one side of streets, mid-block walkways, and shared local streets and access alleyways.
    b. Connections to the wider neighborhood should be made where appropriate and allowed.
    c. All such pathways should be accessible by the general public, except that walkways into and through the Pocket Neighborhood clusters may be limited to residents and their guests.

12. Live/work provisions
    a. The residential and the commercial space should be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
    b. The residential component as designated on the floor plan approved through the special development permit should remain residential and cannot be converted to commercial use.
    c. The commercial component should be restricted to the unit and should not be conducted in the yard, garage or any accessory structure.
    d. The commercial component should not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.
    e. The commercial use should not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

13. Where walls of two dwellings are located less than 20 feet apart, windows along such walls should not be aligned to allow direct views from one window into the window of another dwelling. This can be accomplished through variations in window locations, landscaping, fencing or similar measures."

Section 5. Repealer.

Any specific provision of the previously enacted Zoning Ordinance that is in direct conflict with a specific provision of this Ordinance Amendment is repealed to the extent of such direct conflict.



May 2, 2013

Draft City of Allentown
Zoning Map Amendment

N

Allentown
City without limits.

Michael C. Hefele, AICP
Director of Planning
Bureau of Planning & Zoning
435 Hamilton Street
Allentown, PA 18101-1699
Office 610-437-7611
Fax 610-437-8781
Michael.Hefele@allentownpa.gov

July 10, 2013

The Honorable Julio Guridy
President, City Council
435 Hamilton Street
Allentown, PA 18101

Re: Bill 32-2013
Amends the Zoning Code by rezoning 11 parcels in the vicinity of 6th and Cumberland Streets, commonly known as the former Montex site, from a Business/Light Industrial (B/LI) District and a Medium High Density Residential (R-MH) District to a Medium Density Residential (R-M) District

Amends the Zoning Code to permit "Pocket Neighborhood Development" in the Medium Density Residential District (R-M), and to establish requirements for a Pocket Neighborhood Development

Dear Mr. Guridy:

Please be advised that at the monthly meeting of the Allentown City Planning Commission held on Tuesday, July 9, 2013, the Commission reviewed the above-referenced amendments requested by Cottage Communities, LP. The Commission voted to RECOMMEND APPROVAL of both requests to City Council.

If you have any questions concerning this action, please contact me.

Yours truly,

Michael C. Hefele, AICP
Director of Planning

MCH:jf
xc: Mayor Ed Pawlowski
Francis Dougherty, Managing Director
Sara Hailstone, Community & Economic Development Director
Michael Hanlon, City Clerk
John Gross, Esquire
Cottage Communities, LP

n:\planning\acpc\zoningamend\Guridy Bill 32-2013

Allentown
City without limits.

Michael C. Hefele, AICP
Director of Planning
Bureau of Planning & Zoning
435 Hamilton Street
Allentown, PA 18101-1699
Office 610-437-7611
Fax 610-437-8781
Michael.Hefele@allentownpa.gov

STAFF REPORT TO THE
ALLENTOWN CITY PLANNING COMMISSION

July 9, 2013

SUBJECT: Bill No. 32-2013

Bill 32-2013 is a two part zoning amendment consisting of both a map and text changes as follows.

Map Amendment

The first change involves the rezoning of an area in the vicinity of S. 6th and Cumberland Streets from the Business Light Industrial (BLI) and Residential Medium High Density (RMH) Districts to the Residential Medium Density (RM) District. The area proposed to rezoned is shown on Exhibit A and includes an area of approximately 5 acres. The site primarily housed the former Montex Mills; a former textile manufacturing facility that was destroyed by fire and subsequently acquired by the Allentown Redevelopment Authority and transferred to the Allentown Commercial and Industrial Development Authority. The site is currently under agreement of sale to the petitioner, Cottage Communities LP. The purpose of the requested change is to accommodate a proposed residential community, referred to as a "Pocket Neighborhood Development" or a "Cottage Community."

The area to be rezoned south of Cumberland Street is currently zoned BLI, with the remaining portion north of Cumberland Street being zoned RMH. The neighborhood to the north is also zoned RMH, while the neighborhood to the west is zoned RM. The areas to the south and east of the subject site are zoned Limited Industrial (I2), however those areas are separated by a steep slope from the site in question. Zoning the subject site to the RM district moves the site to a more restrictive district from both the BLI and RMH districts in terms of permitted uses and allowable residential densities.

Access to the site is limited to S. 6th Street and Cumberland Street, neither of which serves as through streets, dead ending at the subject site.

Given the residential neighborhoods to the north and west as well as the limited access for industrial purposes, regardless of the specific development proposal at hand, the rezoning of this area to the RM district is appropriate and therefore favorably recommended.

Text Amendments

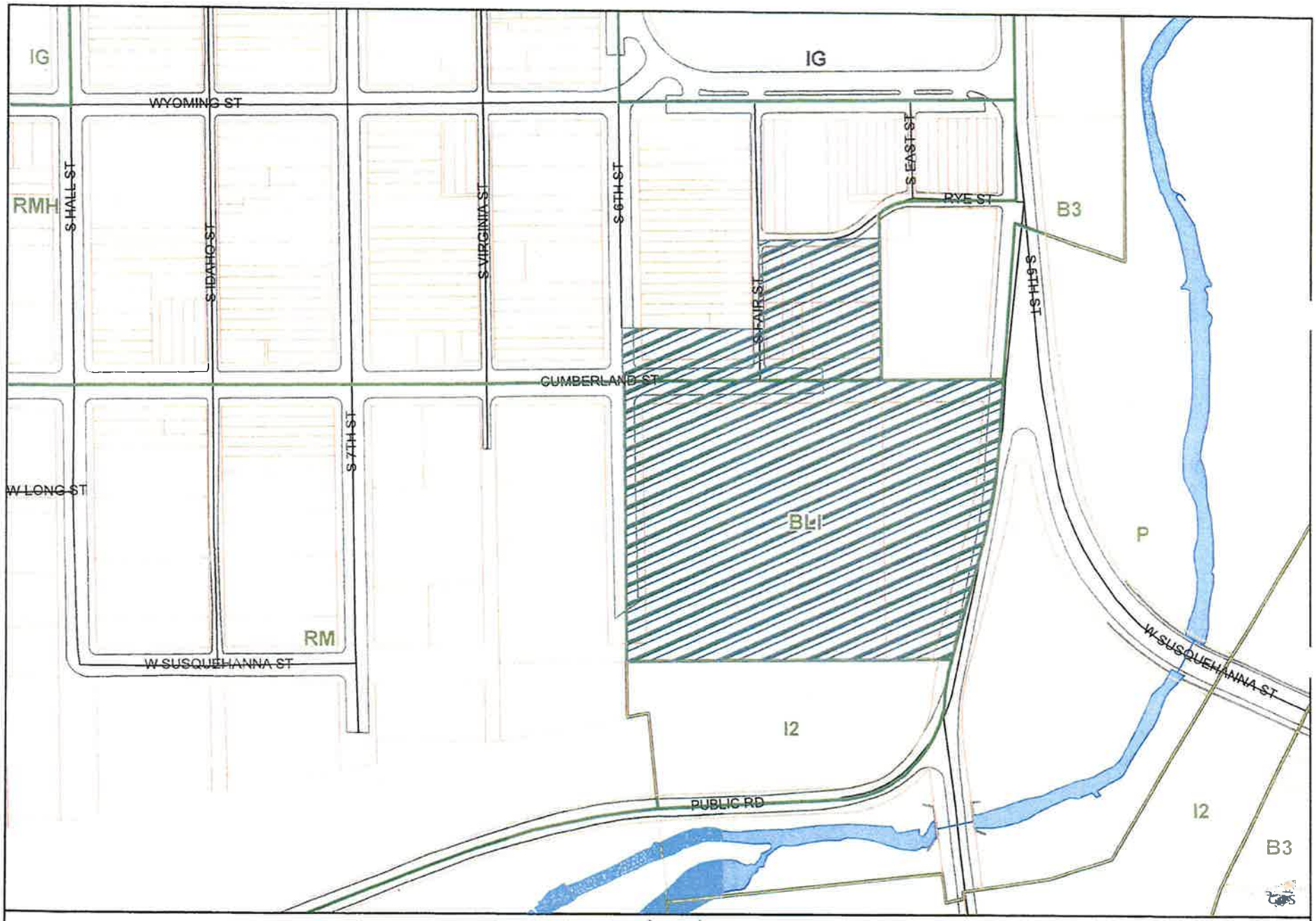
The second amendment involves changes to the text of the ordinance that initially recognizes a "Pocket Neighborhood Development" as a permitted use in the RM district and subsequently introduces a series of regulations intended to guide the development of same to ensure its consistency with the pocket neighborhood or cottage community concept. Some of the key regulations/restrictions are as follows:

- The tract to be developed must be a minimum of 4 acres in area.
- Permitted uses within a pocket neighborhood development include single family detached dwellings; twin dwellings and rowhouses; live/work units; common open space; community buildings and accessory vehicle parking and garages.
- No residential dwellings are permitted to have more than three bedrooms.
- The pocket neighborhood concept works very much like a planned unit development and therefore many of the standards are applied over the entire tract to be developed as opposed to a lot by lot approach. As such, fee simple lots are not required for individual dwellings nor does the required parking need to be provided on each lot.
- The maximum residential density may not exceed 10 units per acre.
- The provisions include relatively minimal setbacks within the development itself, but also perimeter setbacks of 20 feet from adjoining residential areas.
- In order to maintain the "cottage" appearance and appeal of the development, the provisions include various mandated design controls as well as advisory guidelines. The mandatory provisions deal with the placement and size of garages; the inclusion of unenclosed porches; the clustering of a certain number of the units around small common areas; the provision of pedestrian access throughout the site and particularly connecting units with garages and parking facilities.
- A minimum of 10 percent of the tract must be preserved in common open space.
- The regulations include the standard parking requirement of two spaces per unit; however, those spaces do not need to be provided on the lot that they are intended to serve. Further, on-street parking may be used to satisfy 25% of the total required number of spaces.

The Pocket Neighborhood or Cottage Community concept is relatively new to the Lehigh Valley; being a concept that appears to have its strength in the northwestern part of the country. However, as part of their smart growth series, the Lehigh Valley Planning Commission prepared a report and sample regulations for cottage communities. Although much of that report relied on the work of the architect involved in this project, there are some differences between this proposal and the model standards prepared by the LVPC which presumably will be pointed out by the LVPC upon their review.

The staff has viewed this particular proposal as a hybrid between a strict cottage housing proposal and a traditional housing development; hence the term "Pocket Neighborhood" is used as opposed to "Cottage Community." However despite this difference, the proposal provides a creative alternative to a traditional housing development approach and one that generally adheres to the overall concept of providing housing that is focused on building a community through design. The requested amendment is therefore recommended favorably.

Michael C. Hefele, AICP
Director of Planning



Proposed Zoning Change from BLI & RMH to RM
Exhibit A

Legend

- Proposed Zoning Change to RM
- City Tax Parcels
- Current Zoning Boundaries

0 100 200 400 Feet

N

MICHAEL P. HANLON

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: (610) 437-7539
Fax: (610) 437-7554

CITY CLERK

May 28, 2013

Michael C. Hefele
Director of Planning
City Hall, Allentown, PA 18101

Dear Mr. Hefele:

Allentown City Council received a request from Cottage Communities, LP to rezone 11 parcels in the vicinity of 6th and Cumberland Streets, commonly known as the former Montex site from a Business/Light Industrial District/Medium High Density Residential District (BLI/RMH) to a Medium Density Residential District (R-M) and to add a new section to the Zoning Code permitting "Pocket Neighborhood Development" (attached). The petition is hereby referred to the Allentown City Planning Commission for your advisory review. A copy of their petition and supporting documentation is enclosed.

Please submit your report to this office, and the appropriate ordinances to be introduced by City Council.

Very truly yours,

Michael P. Hanlon

Michael P. Hanlon
City Clerk

CC: Council
Oldrich Foucek, Chairman of the Planning Commission
Jerry Snyder, Solicitor
Gross McGinley, LLP

LEHIGH VALLEY PLANNING COMMISSION
961 MARCON BOULEVARD, SUITE 310, ALLENTOWN, PENNSYLVANIA 18109
610-264-4544 FAX 610-264-2616
TOLL FREE 888-627-8808

MATTHEW GLENNON
Chair

KENT H HERMAN
Vice Chair

LIESEL DREISBACH
Treasurer

July 26, 2013

Mr. Michael P. Hanlon, City Clerk
City of Allentown
435 Hamilton Street
Allentown, PA 18101

Re: Bill #32-2013 Zoning Map and Ordinance Amendments
"Pocket Neighborhood Development"
Rezoning of eleven parcels from B/LI and R-MH to R-M
City of Allentown
Lehigh County

Dear Mr. Hanlon:

The Lehigh Valley Planning Commission reviewed the proposed zoning map and ordinance amendments at its July 25, 2013 meeting. The zoning map and ordinance amendments are consistent with the County Comprehensive Plan. We support the City's efforts in providing cottage housing as a housing type available within the City.

Please send a copy of the amendments should City Council choose to adopt them.

Sincerely,

David P. Berryman
Chief Planner

MICHAEL P. HANLON

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: (610) 437-7539
Fax: (610) 437-7554

CITY CLERK

June 20, 2013

Michael C. Hefele
Director of Planning
City Hall, Allentown, PA 18101

Michael N. Kaiser
Executive Director
Lehigh Valley Planning Commission
961 Marcon Boulevard
Suite 310
Allentown, PA 18103-9397

Gentlemen:

Allentown City Council introduced Bill 32 – 2013 at its June 19, 2013 Council Meeting. Bill 32 is an amendment to the City of Allentown Zoning Ordinance to permit "Pocket Neighborhood Development" in the R-M Medium Density Residential District, to establish requirements for a Pocket Neighborhood Development, and to amend the Zoning Map to change an area of land south of Cumberland Street that is east of S. Virginia Street to the R-M district. The Bill is hereby referred to the Allentown City Planning Commission and Lehigh Planning Commission for your review and comment. A copy of the Bill and supporting documentation is enclosed.

Please submit your report to this office.

Very truly yours,

Michael P. Hanlon

Michael P. Hanlon
City Clerk

xc: Council
Mayor Ed Pawlowski
Sara Hailstone, Director, Community and Economic Development
Oldrich Foucek, Chairman of the Planning Commission
Jerry Snyder, Solicitor
Jack Gross, Gross McGinley, LLP
Allentown Public Library
Lehigh County Law Department

REZONING REQUEST PETITION

City Council
City Hall
Allentown, PA 18101
TELEPHONE: (610) 437-7539
FAX: (610) 437-7554
EMAIL: Mike Hanlon hanlon@allentownpa.gov
Tawanna L. Whitehead whiteheadt@allentownpa.gov

Date 5/28/13

Members of City Council:

We, the undersigned and interested parties, hereby request your honorable body to rezone the following tract of land or amend the zoning code in the following manner:

See attached draft Ordinance.

from BLI/RMH zoning classification to R-M zoning classification. A legal description of the property to be rezoned must be included with this application.

The reason for this rezoning is: This property is currently zoned primarily BLI. BLI does not fit the surrounding residential neighborhood. Rezoning to R-M will bring zoning into conformity with surrounding property.

NAME	ADDRESS
Cottage Communities, LP	130 Kichline Road
	Hellertown, PA 18055

NOTE: Send or deliver this petition, along with $500 to cover administration and advertising costs, to: Remittance/Check payable to the "City of Allentown"

City Clerk
City Hall
Room 510
435 Hamilton Street
Allentown, PA 18101
TELEPHONE: (610) 437-7539
FAX: (610) 437-7554
EMAIL: Mike Hanlon hanlon@allentownpa.gov
Tawanna L. Whitehead whiteheadt@allentownpa.gov

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 35 - 2013

July 17, 2013

An Ordinance

Amending the 2013-2014 Consolidated Grants Program budget which consists of the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant Program (ESG) to provide for an additional appropriation of $ 429,822 in CDBG funds, $127,777 in HOME funds and a reduction of $53,482 in ESG funds, for a net increase of $504,117 in funds.

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

SECTION ONE: That City Council authorizes an increase to the2013-2014 Consolidated Grants Program Budget in the amount of $504,177.

SECTION TWO: That City Council authorizes the supplemental appropriation and use of these funds as follows:

CODE ENFORCEMENT AND REHABILITATION (CDBG)

700-01-7901-0104	Acquisition	$275,000
700-01-7901-0104	Property Disposition and Management	40,000

PUBLIC SERVICES (CDBG)

700-01-7903-0114	The Salvation Army	44,492

ADMINISTRATION AND ECONOMIC DEVELOPMENT (CDBG)

700-01-7905-0107	Administration	20,330
700-01-7905-0106	Planning	50,000
		$ 429,822

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

700-01-7907-0104	Administration	12,778

700-01-7907-0106	Rehabilitation of RACA Owned Properties	114,999
		$127,777

EMERGENCY SOLUTIONS GRANT PROGRAM (ESG)

700-01-7908-0103	Salvation Army	($44,492)
700-01-7908-0104	Administration	(4,001)
700-01-7908-0105	Lehigh County Conference of Churches	
	Homeless Prevention	(4,989)
		($53,482)

SECTION THREE: That this Ordinance will take affect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**
  The Amended Consolidated Grants Program (CGP) ordinance originates in the Department of Community and Economic Development.

  On May 1, 2013, City Council approved the Proposed Consolidated Grants Program legislation allocating the federal Community Development Block Grant Program Funds (CDBG), HOME Investment Partnerships Program funds (HOME) and Emergency Solutions Grant (ESG) Program funds. Since that passage, the United States Department of Housing and Urban Development notified the City of Allentown of changes to its allocations for the 2013-2014 Program year.

- **Summary and Facts of the Bill**
  This amendment will serve to allocate the additional funds received from the Community Development Block Grant Program ($429,822); additional funds from the HOME Investment Partnerships Program Grants funds ($127,777) and a REDUCTION in the Emergency Solutions Program Grant Funds ($53,482)

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  This ordinance provides the City to allocate the additional funds to the appropriate HUD eligible activities, and to reduce the ESG funded activities accordingly.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  This ordinance provides the City the ability to expend an additional $504,177 in federal funds to complete a variety of activities including acquisition and disposition, public services, administration of the programs, etc. This legislation has no adverse financial impact on the City and the General Fund.

  Funding Sources – Please include the following in your explanation:

  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding sources for this ordinance are the federal Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME) and the Emergency Solutions Grant Program (ESG)

- **Priority status/Deadlines, if any**
  This bill has a high priority status.

- **Why should Council unanimously support this bill?**
  This Ordinance allows for the expediture of additional federal dollars.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 36 - 2013

July 17, 2013

An Ordinance

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Twenty-Nine Thousand Five Hundred and Eighty-Five Dollars ($29,585) to the DCED Office Expenditure Accounts from the DCED Special Events Revenue Account.

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

SECTION ONE: That City Council authorizes an increase to the unappropriated balance of the General Fund in the amount of Twenty-Nine Thousand Five Hundred and Eighty-Five Dollars ($29,585) reflecting receipt of revenue from special events.

SECTION TWO: That City Council authorizes a supplemental appropriation from the DCED Special Events revenue account in the following manner:

From:
General Fund Revenue DCED Special Events
[[000-6194]] $29,585

To:
Community and Economic Development
Director - Community Development

Business Development Office

[[000-09-0901-0007-50]]	Other Services and Charges	$27,785.00
[[000-09-0901-0007-30]]	Rentals	$1,800.00

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

hat Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Community and Economic Development - Office of Economic Develpoment

- **Summary and Facts of the Bill**

  Purpose of the ordinance is to appropriate funds from a revenue account to and expense

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  The purpose of the bill is to appropriate funds from the Special Event DCED revenue account to DCED Office Economic Development expediture accounts. Due to an increase in Special Event activities there have been increased expenses. Revenue that has already been raised will cover these costs.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  There is no financial impact to the City's 2013 budget. There was no revenue budgeted for this account. Revenue derived from sponsorships, vendor fees, donations and food and beverage sales will cover increased costs. This allows for our events to be sustainable.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding source is the Special Events DCED account. Currently (as of June 26, 2013) we have raised the following:
$10,300 through sponsorships
$7,910 through vendor fees
$13,850 through food and beverage sales
$305 through admisisions
$220 through raffle
$29,585 TOTAL

- **Priority status/Deadlines, if any**
  Funding is necessary to make payment on accounts for expenditures.

- **Why should Council unanimously support this bill?**

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 37 - 2013

July 17, 2013

An Ordinance

Amends Article 1391, Historic Districts to more specifically define and outline the duties and responsibilities for the Historic Districts.

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

SECTION ONE: That Article 1391, Historic Districts be amended to read as follows:

TITLE NINE
SPECIAL DISTRICTS

ARTICLE 1391
HISTORIC DISTRICTS

1391.01 Short Title
1391.02 Authorization and Purpose
1391.03 Definitions
1391.04 Designation of Old Allentown Historic District; Adoption of Map;
1391.05 Designation of Old Fairgrounds Historic District; Adoption of Map;
1391.06~~5~~ Designation of West Park Historic District; Adoption of Map;
1391.07~~6~~ Certification by Pennsylvania Historical and Museum Commission
1391.08~~7~~ Board of Historical Architectural Review
1391.09~~8~~ Duties and Responsibilities of City Bureau of ~~Code Enforcement and Rehabilitation~~ Building Standards and Safety
1391.10~~09~~ Consideration by HARB
1391.11~~10~~ Criteria for Issuance of Certificate of Appropriateness
1391.12~~11~~ Modifications in Applications
1391.13~~12~~ Recommendations to Council
1391.14~~13~~ Actions of City Council Concerning Applications
1391.15~~14~~ Appeals
1391.16~~15~~ Exclusions
1391.17 Unreasonable Economic Hardship
1391.98 Severability
1391.99 Penalty and Enforcement

1391.01 SHORT TITLE

This article shall be known and may be cited as the Historic District Ordinance. (12314 §1 9/6/78)

1391.02 AUTHORIZATION AND PURPOSE

A. Authorization

This article is enacted in accordance with the provisions of the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.

B. Purpose

Because the heritage of the City of Allentown is among its most valued and important educational, cultural, and economic assets, it is the intent of the City to provide for the protection of historically and/or architecturally significant buildings, structures, and sites by designating certain sections of the City as historic districts in order to:

1. Protect and improve the quality of its environment through the identification, recognition, conservation, maintenance, and enhancement of buildings, sites, structures, fixtures and open spaces which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the City.

2. Foster appropriate use and wider public knowledge and appreciation of such features, sites, structures and open spaces.

3. Encourage public and private efforts in support of such purposes, and by furthering such purposes, promote the public welfare, to strengthen the cultural, educational and economic life of the City.

4. Encourage new and/or contemporary design which is visually compatible and sensitive to adjacent sites, structures and the immediate environment. (12314 §1 9/6/78)

5. Support other City policies within but not limited to the Comprehensive Plan and programs furthering historic design objectives such as the zoning ordinance to ensure cohesive development strategies.

1391.03 DEFINITIONS

A. For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

B. Terms

1. Alteration – For the purpose of this ordinance an alteration shall mean, a change in design, texture, material, size or shape of an exterior architectural feature that can be seen from a public right-of-way (street, alley, sidewalk etc.)

2. Building – any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.

3. Building, or Demolition Permit – An official document or certificate issued by the City authorizing the construction, erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building located in a designated historic district.

4. Building Permit Application – The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed in the municipality's within a historic district that requires a certificate of appropriateness.

5. Bureau of Building Standards and Safety - The City Bureau designated by Ordinance to administer and enforce the City's Building, Housing and Property Maintenance Ordinances.

6. Certificate of Appropriateness – A certificate, approved by Allentown City Council, certifying the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure within a historic district and authorizes the issuance of a building permit (if required) for said request.

7. Demolition – The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.

8. Demolition by neglect – The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

9. Erection – The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.

10. Historical Architectural Review Board (HARB) - **the Review Board** – The agency that advises, Allentown City Council, the City of Allentown and applicants on any requests for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a historic district.

11. Reconstruction – The act or process of reproducing by new construction the exact form and detail of a demolished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

12. Routine maintenance and repair – For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure for which there is no material change or change in the design, texture or arrangement for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

13. Sign – Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

14. Staff Approval – A written approval from the HARB Secretary or designee for alterations listed and described in the "*Guidelines for Historic Districts" adopted by HARB on June 25, 2012 and as amended.*

15. Structure – Anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground, including among others, buildings, sheds, porches, fences and display signs.

1391.~~03~~ 04 DESIGNATION OF OLD ALLENTOWN HISTORIC DISTRICT ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of *Old Allentown Historic District*

The limits of Old Allentown Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Liberty Street and North Hall Street; thence, in a southwardly direction along the center line of North Hall Street to a point, said point being the intersection of the center lines of North Hall Street and Turner Street; thence, westwardly along the center lines of Turner Street to a point; said point being the intersection of the center lines of Turner Street and North Fountain Street; thence, in a southwardly direction along the center line of North Fountain Street to a point; said point being the intersection of the center lines of North Fountain Street and Linden Street; thence, in a westwardly direction along the center line of Linden Street to a point, said point being the intersection of the center lines of Linden Street and North Howard Street; thence, in a southwardly direction along the center line of North Howard Street to a point, said point being the intersection of the center lines of North Howard Street and Court Street; thence, westwardly along the center line of Court Street to a point; said point being the intersection of the center lines of Court Street and North Blank Street; thence, in a northwardly direction along the center line of North Blank Street to a point, said point being the intersection of the center lines of North Blank Street and Newton Street, thence in an eastwardly direction along the center line of Newton Street to a point, said point being the intersection of the center line of Newton Street and the rear property line of 142 North Twelfth Street; thence, northwardly along the rear property line 142, 144, 146, 148, 150, 152, 154, 156 and 158 North Twelfth Street extended to a point, said point being the intersection of the rear property line of 158 North Twelfth Street extended and the center line of Turner Street, thence, eastwardly along the center line of Turner Street to a point, said point being the intersection of the center lines of Turner Street and North Twelfth Street, thence in a northwardly direction along the center line of North Twelfth Street to a point, said point being the intersection of the center lines of North Twelfth Street and Liberty Street, thence, eastwardly along the center line of Liberty Street to point of beginning.

Beginning at a point along the center line of Turner Street; said point being the intersection of the center line of Turner Street and the eastern property line of 828 Turner Street; thence, southwardly to a point; said point being the southeast property corner of 828 Turner Street; thence, westwardly along the rear property lines of 828 Turner Street, 834 Turner Street, and 836 Turner Street to a point; said point being the southwest property corner of 836 Turner Street; thence, northwardly along the property line that

divides 836 Turner Street and 145 North Ninth Street to a point; said point being the intersection with the centerline of Turner Street; as shown on Exhibit A. (13692 §1 9/3/98)

B. Adoption of Map

Old Allentown Historic District is hereby designated into zones or districts, as shown on the "Old Allentown Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Allentown Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Allentown Historic District Map referred to in Section 1391.03 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12314 §1 9/6/78)

1391.~~04~~ 05 DESIGNATION OF "OLD FAIRGROUNDS HISTORIC DISTRICT"; ADOPTION OF MAP; IDENTIFICATION OF MAP

A. Designation of *Old Fairgrounds Historic District*

The limits of Old Fairgrounds Historic District hereby designated an historical district, are defined as follows:

Beginning at a point, said point being the intersection of the center lines of Tilghman Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street and Pratt Street; thence, in a westwardly direction along the center line of Pratt Street to a point, said point being the intersection of the center lines of Pratt Street and North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Liberty Street; thence, in an eastwardly direction along the center line of Liberty Street to a point, said point being the intersection of the center lines of Liberty Street and North Levan Street; thence, in a southwardly direction along the center line of North Levan Street to a point, said point being the intersection of the center lines of North Levan Street extended and the southern property line of 407 North Fifth Street; thence, in a westwardly direction along the southern property line of 407 North Fifth Street to a point, said point being the intersection of the southern property line of 407 North Fifth Street extended and the center line of North Fifth Street; thence, in a southwardly direction along the center line of North Fifth Street to a point, said point being the intersection of the center lines of North Fifth Street and Gordon Street; thence, westwardly along the center line of Gordon Street to a point, said point being the intersection of the center lines of Gordon Street and North Morris Street; thence, in a northwardly direction along the center line of North Morris Street; thence, in a northwardly direction along the center line of North Morris Street extended and traversing in a straight line through the properties of 429, 431, and 433 North Seventh Street to the rear common property lines of 435 and 437 North Seventh Street, and 436, 436-1/2 and 438 North Church Street; thence, continuing in a northwardly direction along said rear common property lines extended and traversing in a straight line through the property of 439 North Seventh Street to the rear common property line of 441 North Seventh Street and 442 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, said point being the intersection of the rear common property line to a point, said point being the intersection of the rear common property line of 441 North Seventh Street and 442 North Church Street and the southern property line of 443 North Seventh Street; thence, continuing in an eastwardly direction along the southern property line of 443 North Seventh Street to a point, said point being the intersection of the southern property line of 443 North Seventh Street and

the rear common property line of 443 North Seventh Street and 442-1/2 and 444 North Church Street; thence, continuing in a northwardly direction along said rear common property line to a point, one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and the southern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction to the intersection of the northern property line of said property and one hundred nineteen and five-tenths (119.5') feet from the intersection of the western property line of 445-447 North Seventh Street and northern property line of 445-447 North Seventh Street; thence, continuing in a northwardly direction from said point to the center line of Liberty Street; thence, continuing in a westwardly direction to a point, said point being the intersection of the center lines of Liberty Street and North Morris Street; thence, continuing in a northwardly direction along the center line of Morris Street to a point, said point being the intersection of the center lines of North Morris Street and Tilghman Streets; thence, continuing in an eastwardly direction along the center line of Tilghman Street to the point of beginning.

B. Adoption of Map

Old Fairgrounds Historic District is hereby designated into zones or districts, as shown on the "Old Fairgrounds Historic District Map", which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The Old Fairgrounds Historic District map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the Old Fairgrounds Historic District Map referred to in Section 1391.03.5 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this ordinance. (12467 §1 6/17/81)

1391.~~05~~ 06 DESIGNATION OF WEST PARK HISTORIC DISTRICT; ADOPTION OF MAP; IDENTIFICATION OF MAP

1. Designation of West Park Historic District

The limits of the West Park Historic District, hereby designated an historical district, are defined as follows:

Beginning at the intersection of the centerline of North West Street with the centerline of Chew Street; thence,
northwardly, along the centerline of North West Street to its intersection with the centerline of Monroe Street; thence, eastwardly, along the centerline of Monroe Street to its intersection with the centerline of North 15th Street; thence, southwardly along the centerline of North15th Street to its intersection with the centerline of Emmett Street; thence, westwardly, along the centerline of Emmett Street to its intersection with the centerline of North Rush Street; thence, southwardly, along the centerline of North Rush Street to its intersection with the centerline of Russell Street; thence, eastwardly, along the centerline of Russell Street to its intersection with the centerline of North 15th Street; thence, southwardly, along the centerline of North 15th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North Fulton Street; thence, northwardly, along the centerline of North Fulton Street to its intersection with a line located 190 feet, plus or minus, south and parallel to the southern property line of Linden Street, this line bisecting the properties of the Masonic Temple and intended to mark the partition between the original Masonic Temple and its addition; thence, westwardly, along said line to its intersection with the centerline of North 16th Street; thence, southwardly, along the centerline of North 16th Street to its intersection with the centerline of Court Street; thence, westwardly, along the centerline of Court Street to its intersection with the centerline of North 17th

Street; thence, northwardly, along the centerline of North 17th Street to its intersection with the centerline of Linden Street; thence, westwardly, along the centerline of Linden Street to its intersection with the centerline of North St. Cloud Street; thence, northwardly, along a line located 280 feet west and parallel to the western property line of North 17th Street, this line bisecting the William Allen High School property and intended to mark the centerline of North St. Cloud Street if extended north to its intersection with the centerline of Turner Street; thence, eastwardly, along the centerline of Turner Street to its intersection with the centerline of North 17th Street; thence, northwardly, along the centerline of North 17th Street to its intersection with Chew Street; thence, eastwardly, along the centerline of Chew Street to its intersection with the centerline of North West Street, the point or place of beginning.

Beginning at a point along the centerline of North 15th Street, said point being the intersection of the centerline of North
15th Street with the centerline of Webster Street; thence, eastwardly along the centerline of Webster Street to its intersection with the centerline of North 14th Street; thence, southwardly along the centerline of North 14th Street to its intersection with the centerline of Edison Street; thence, westwardly along the centerline of Edison Street to a point, said point being the eastern property line of 33 North 15th Street; thence, southwardly along the eastern property lines of 33 North 15th Street, 31 North 15th Street, 27 North 15th Street and 25 North 15th Street to a point, that point being the centerline of Court Street; thence, westwardly along the centerline of Court Street to its intersection with the centerline of North 15th Street; thence northwardly along the centerline of North 15th Street to its intersection with the centerline of Webster Street, the point or place of beginning; as shown on Exhibit B. (14123 §1 11/6/03)

B. Adoption of Map

West Park Historic District is attached hereto as Exhibit 1 titled, "West Park Historic District Map," which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article.

C. Identification of Map

The West Park Historic District Map shall be identified by the signature of the Mayor, properly attested and bearing the Seal of the City under the following words: "This is to certify that this is the West Park Historic District Map referred to in Section 1391.05 of the Codified Ordinances of the City of Allentown, Pennsylvania," together with the date of the adoption of this Ordinance. (13881 §1 12/21/00)

1391.~~06~~ 07 CERTIFICATION BY PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

Immediately upon the adoption of this article, the Mayor shall forward a copy thereof to the Pennsylvania Historical Museum Commission. This article shall not take effect until the said Commission has certified by resolution to the historical and/or architectural significance of the district. The Mayor and the City Clerk are further directed to place such certification among the municipal records of the City. (12314 §1 9/6/78)

1391.~~07~~ 08 ~~BOARD OF~~ HISTORICAL ARCHITECTURAL REVIEW BOARD

A. Creation & Composition

A Board of Historical Architectural Review hereinafter HARB is hereby established and shall be composed of seven (7) members and four (4) alternate members appointed by City Council. The members of the HARB shall be as follows: One member and one alternate member shall be a registered architect; one member and one alternate member shall be a licensed real estate broker; one member and one

alternate member shall be a building inspector; four (4) members and one alternate shall be persons with knowledge of and interest in the preservation of the historic district(s) and at least three (3) members of the HARB shall be residents or property owners of the historic district(s). All members and alternate members shall be City residents, or at the discretion of Council, persons not residents of the City but who have a significant property or business interest in the City may be selected to serve. (14321 §1 9/22/05 14952 §1 12/26/2011)

B. Terms

The initial terms of the first seven (7) members shall be as follows: Three (3) shall serve until the first Monday of January, 1980, two (2) shall serve until the first Monday of January, 1981; and two (2) shall serve until the first Monday of January, 1982. Alternate members' terms shall run concurrently with those of the respective HARB members. Their successors shall be appointed on the expiration of their respective terms to serve three (3) years.

C. Vacancies

The position of any member of the HARB appointed in his capacity as a registered architect, a licensed real estate broker, City building inspector, a contractor, or resident of the historic district who ceases to be so engaged, shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. Removal

Council may remove any member for cause after a public hearing.

E. Quorum & Voting

A majority of the HARB shall constitute a quorum and action take at any meeting shall require the affirmative vote of a majority of the HARB.

F. Duties and Powers

The HARB shall have the following duties and powers:

1. Give counsel to the City Council regarding the advisability of issuing any Certificates of Appropriateness required to be issued pursuant to said Act of June, 1961, P.L. 282, No. 167, and this article. For this purpose, the HARB may adopt and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the municipality and the laws of the Commonwealth.

2. Develop and continue an effective program of historic preservation with the Bureau of Planning, and act in collaboration with other appropriate agencies that may be able to provide assistance.

3. To propose from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts. Any proposed new or expansion of existing districts must be considered historically significant by the Pennsylvania Historical and Museum Commission's Bureau for Historic Preservation and will follow the designation process outlined in the Historic District Enabling Act of June 13, 1961, P.L. 282, No. 167, 53 P.S. §8001-8006.

4. To cooperate with and advise the City Council and other municipal agencies, boards and commissions in matters involving the historic significance or historic preservation of districts, sites, structures and buildings ~~of historical or architectural significance~~.

5. To advise owners of buildings on ~~problems~~ the benefits of historic preservation.

6. To promote public interest in the purpose of this article.

7. To encourage those owning buildings in an historic district to consult with the HARB concerning such physical aspects promoting maintenance that is in keeping with the general historic and architectural character of the district.

G. Meetings

Meetings shall be held at least once a month and at the call of the Chairman or at such other times as the Board may determine. The Board shall fix a reasonable time for their meetings so that City Council can consider the issuance of the Certificate of Appropriateness and Council's action shall not exceed seventy-five (75) days from the date of the application for the Certificate of Appropriateness. (12614 §1 8/1/84)

1391.~~08~~ 09 ~~DUTIES AND RESPONSIBLITIES OF CITY BUREAU OF CODE ENFORCEMENT AND REHABILITATION~~ PROCEDURES FOR OBTAINING A BUILDING PERMIT IN A HISTORIC DISTRICT

A. ~~A.~~ Permit Issuance

A Building Permit shall be required from t ~~T~~he Bureau of Building Standards and Safety for any erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure in an historic district which will affect the exterior historic or architectural features that are visible from a public right-of-way ~~or nature of the district~~ The building permit shall not be issued until:

1. the City Council has reviewed the recommendations of the HARB and has issued a Certificate of Appropriateness or
2. the HARB Secretary has reviewed the application and determined the permit request meets the criteria for a Staff Approval described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

B. Upon receipt of an application for a building permit for work to be done within the limits of the historic district that is visible from a public right-of-way, the Bureau of Building Standards and Safety ~~Code Enforcement and Rehabilitation~~ shall act in accordance with the ordinances, regulations and practices then in effect with regard to the issuance of such permits and in addition:

1. ~~The Bureau shall~~ Shall immediately forward to the ~~Office of the~~ HARB Secretary a copy of the application for a building permit together with a copy of the plot plan, building plan and specifications filed by the applicant.

2. ~~The Bureau shall~~ Shall maintain a record of all such applications and the final disposition of the same, which shall be in addition to and appropriately cross-referenced to the Bureau's other records.

3. ~~The Bureau shall~~ Shall require applicants to submit post said property by displaying conspicuously a sign (at least six (6") inches by twelve (12) inches) indicating that an application for a building permit has been filed and a sufficient number of additional copies of materials to be attached to an application for a building permit, together with such additional information and materials as may be

reasonably required by the regulations of the HARB in order to permit compliance with the foregoing requirements.

C. The HARB Secretary shall ~~be advised of all zoning applications for all properties within the limits of the historic district that are filed with the Bureau of Code Enforcement and Rehabilitation~~ have the authority to provide staff approvals for permit requests that meet the criteria described in the publication Guidelines for Historic have the authority to provide staff approvals for permit requests that meet the criteria described in the publication *Guidelines for Historic Districts*, adopted June 25, 2012 and as updated by the HARB and approved by resolution of City Council.

~~C~~D. Upon receipt of the written Staff Approval from the HARB Secretary or ~~from City Council of the~~ written approval of an application for a Certificate of Appropriateness from City Council, the Bureau of Building Standards and Safety shall issue a building permit for the work covered.

~~D~~E. Upon receipt from City Council of the written disapproval of an application for a Certificate of Appropriateness, the Bureau of Building Safety and Standards shall disapprove the application for a building permit and so advise the applicant. (12314 §1 9/6/78)

1391.~~09~~10 CONSIDERATION BY HARB

Upon receipt by the HARB Secretary of a notice that an application for a building permit has been filed ~~with the Bureau of Code Enforcement and Rehabilitation~~, the HARB Secretary shall determine whether this article applies and notify the Bureau of Building Standards and Safety ~~and transmit its recommendations to City Council or statement that this article is not applicable to the Bureau of Code Enforcement and Rehabilitation.~~ If this article applies, the HARB shall consider the application at a public meeting. The person(s) applying for the permit shall be advised of the time and place of the meeting at least six (6) days prior to said meeting and shall be invited to submit testimony. The HARB shall submit its recommendations in writing to the City Council within ten (10) days following the meeting at which an application is considered. (12314 §1 9/6/78)

1391.~~10~~11 CRITERIA FOR ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

In determining the recommendations to be presented to the Council concerning the issuing of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic districts, the HARB shall consider the criteria below and the *Guidelines for Historic Districts: Restoring, Maintaining and Preserving the Old Allentown, Old Fairgrounds, and West Park Historic Districts,* dated June 25, 2012. These guidelines may be periodically updated by the HARB and approved by resolution of City Council. (15006 §3 7/18/12)

A. Review Criteria

1 The effect of the proposed changes upon the general historic and architectural nature of the district.

2. The appropriateness of exterior architectural features which can be seen from a public street or way only.

3. The general design, arrangement, texture, material, and color (only when integral to a product such as shingles or siding, but not including paint color) of the building or structure and the

relation of such factors to similar features of buildings, structures, or sites in the district. (15006 §3 7/18/12)

4. Any matter pertinent to the preservation of the historic aspect and nature of the district. (12314 §1 9/6/78; 15006 § 7/18/12)

1391.~~11~~12 MODIFICATIONS IN APPLICATIONS

If the HARB, on the basis of the information received at the meeting and from its general background and knowledge, decides to disapprove the granting of a Certificate of Appropriateness, it shall indicate to the applicant for a building permit, the changes in plans and specifications, if any, which in the opinion of the HARB would protect the distinctive historical/architectural character of the district and thereby enable the Certificate of Appropriateness to be issued. The HARB shall withhold its report to City Council for a period of five (5) days following its decision to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that the suggested changes will be made, ~~he~~ the applicant shall so advise the HARB which shall advise the City Council accordingly. (12314 §1 9/6/78)

1391.~~12~~13 RECOMMENDATIONS TO CITY COUNCIL

The HARB, after compliance with 1391.~~08~~10 and 1391.11~~0~~9 of this article, shall submit to City Council, in writing, recommendations concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure within the limits of the historic district. The written report shall set out the following matters:

1. The exact location of the area in which the work is to be done.

2. The proposed exterior changes to be made or the proposed exterior character of the structure to be erected.

3. The general design, arrangement, texture, material, and exterior architectural features of the building or structure and the relation of such factors to be similar features of buildings, structures and sites within reasonable proximity to said structure.

4. The opinion of the HARB, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic architectural aspect and nature of the district.

5. The specific recommendations of the HARB as to be issuance by the City Council or its refusal to issue a Certificate of Appropriateness. (12314 §1 9/6/78)

1391.~~13~~14 ACTIONS OF CITY COUNCIL CONCERNING APPLICATIONS

Upon receipt of the written recommendations of the HARB as provided in Section 1391.~~10~~13 of this article, the City Council shall consider at the next regular meeting or a special meeting, the question of issuing to the Bureau of Building Standards and Safety ~~Code Enforcement and Rehabilitation~~ a Certificate of Appropriateness authorizing a permit for the work to be covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which time his application will be considered and the applicant shall have the right to attend and be heard in support of the application. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition, or razing of all or part of any building or structure, within the limits of the

historic district, the City Council shall consider the same factors as the HARB as set forth in Section 1391.~~08~~11 of this article, and the report of the HARB. If the City Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Bureau of Building Standards and Safety ~~Code Enforcement and Rehabilitation~~ to issue a permit for the work covered. If the City Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historic or architectural character of the district. Council shall not consider any matters not pertinent to the historical/architectural aspect and nature of the district. (12314 §1 9/6/78)

1391.~~14~~15 APPEALS

Any person desiring to appeal City Council's disapproval of a certificate of appropriateness may file an appeal to the Lehigh County Court of Common Pleas as provided for by laws of the commonwealth. ~~Any person aggrieved by failure of the Bureau of Code Enforcement and Rehabilitation to issue a permit for such building, structure, or site changes by reason of the disapproval may appeal therefrom as provided by law and the Ordinances of the City of Allentown. (12314 §1 9/6/78)~~

1391.16 EXCLUSIONS

The provisions of this article shall not be construed to:

A. Require the issuance of a Certificate of Appropriateness prior to undertaking any routine maintenance or repair of any exterior architectural feature of any building or structure which does not involve a change in design, arrangement, texture or material. For the purpose of this article, routine maintenance and repair shall mean any work done on any building or structure, any replacement of any part of the building or structure (for which there is no material change or change in the design, texture or arrangement) for which a building permit is not required where the purpose and effect of such maintenance, repairs or replacement is to correct any deterioration, decay or damage or any part of said building or structure and to restore same as nearly as may be possible, to its condition prior to the occurrence of such deterioration, decay or damage.

B. Require any action by the owner (other than preservation against decay, deterioration, repair and routine maintenance as stipulated in this section) to comply with the intent of this article before the said owner voluntarily chooses to erect, reconstruct, alter, restore, demolish, or raze all or part of the exterior of a building or structure. Routine maintenance is encouraged to maintain the City's architectural heritage, property values and avoidance of demolition by neglect.

C. Require a level of maintenance greater than that required under provisions of other pertinent municipal regulations. (12314 §1 9/6/78)

1391.17 UNREASO~~a~~SONABLE ECONOMIC HARDSHIP

A. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of council's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB, which shall include but not be limited to the following:

1. Date the property was acquired by its current owner.

2. Price paid for the property (if acquired by purchase) and a description of the relationship, if any, between the buyer and the seller of the property.

3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.

4. Current market value of the property.

5. Equity in the property.

6. Past and current income and expense statements for the past two (2) years.

7. Past capital expenditures during ownership of current owner.

8. Appraisals of the property obtained within the previous two years.

9. Income and property tax factors affecting the property.

10. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.

11. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.

12. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the review board for changes necessary for it to approve a certificate of appropriateness.

13. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

14. The review board may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

B. Should the review board determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The review board may choose to recommend to the City that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

C. The review board may seek the assistance of appropriateness local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the review board chooses to explore such options, the review board may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

D. Should the applicant satisfy the review board that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the review board and property owner be unable to develop a solution which can relieve the owner's economic hardship, the review board must recommend a Certificate of Appropriateness for the proposed demolition or alteration, or new construction.

1391.98 SEVERABILITY

If any section, paragraph, subsection, clause or provisions of this article shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this article as a whole, or any part thereof. (12314 §1 9/6/78)

1391.99 PENALTY AND ENFORCEMENT

A. Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of $300.00 for each day the violation is unabated ~~Any person, owner, occupant, firm, corporation or contractor who does work or attempts to do work on all or part of any building or structure within the limits of the Historic Districts without first obtaining a permit of Certificate of Appropriateness in compliance with this article, shall be fined not more than Three Hundred ($300.00) Dollars~~ or imprisoned not more than ninety (90) days or both. (12492 §1 12/16/81)

B. Enforcement

The City shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article the same as in its enforcement of the Building Code of the City of Allentown, as amended. (12492 §1 12/16/81; 13881 §1 12/21/00)

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  Bureau of Planning and Zoning

- **Summary and Facts of the Bill**

  The Bureau performed a comprehensive review of Ordinance #1391, the Historic District Ordinance. Much of the ordinance has not been updated since it was enacted in 1978. The proposed updated ordinance has relatively minor changes with no real policy implications. The most significant change is a section that was added at the urging of the SHPO which provides an applicant a path to make a case of economic hardship when he/she feels that the results of an action by the HARB and City Council has the effect of keeping them from obtaining a reasonable return or use of their property. The state supplied the final language for that section.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  The purpose of the update is three fold. 1. Update the ordinance to reflect current City policies and procedures. 2. Incorporate best practices from around the state. 3. Streamline the Historic review process. The proposed changes will improve efficency and enforcement of the Historic District Ordinance. The ordinance is consistent with the Allentown Comprehensive Plan goal: "To Recognize, preserve, and promote the architectural and cultural value of the City's historic structures, neighborhoods and resources."

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  There is no financial impact anticipated.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

  There are no funds associated with this request.

- **Priority status/Deadlines, if any**

  In order to comply with conditions of the Certified Local Government Program the City participates in the ordinance should be intorduced at the July 17th council meeting

- **Why should Council unanimously support this bill?**

  The proposed changes update the ordinance to reflect best practices from around the state and improve efficency. There are no controversial policy changes made in the update.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 38 - 2013

July 17, 2013

An Ordinance

Amending Article 740, Street and Sidewalk Vendors, by providing new regulations, licensing and enforcement provisions for mobile vendors seeking to operate on city streets, the public-right-of-way and parking lots.

SECTION ONE: That Article 740 Street and Sidewalk Vendors, be amended to read as follows:

ARTICLE 740
STREET AND SIDEWALK VENDORS

740.01 Definitions
740.02 License Required
740.03 Special Events, ~~and~~ Programs and Geographical Areas
740.04 Applications
740.05 Fee
740.06 Issuance
740.07 Vending Prohibited in Certain Locations
740.08 Limitations on Vending
740.09 Prohibited Conduct
740.10 Health and Sanitation Requirements for Food Vending
740.11 License Expiration and Renewal
740.12 ~~Denial, Suspension and Revocation~~ License Suspension or Revocation
740.13 Appeal to Vendor Application Review Committee ~~Council~~; Notice and Hearing
740.14 ~~Expiration of License~~ Transfer and Display of License
740.15 Regulations
740.98 Severability
740.99 ~~Penalty~~ Enforcement

740.01 DEFINITIONS

For the purposes of this ordinance the following definitions shall apply:

1. **Food** is defined as solid food and beverages allowed to be sold in accordance with this ordinance.

2. **Motor vehicle** is defined as any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Department of Motor Vehicles.

3. **Person** is defined as any natural individual firm, trust, partnership, association, or corporation, in his or its own capacity or an administrator, conservator, executor, trustee, receiver, or other representative appointed by a court. Whenever the word "person" is used in any section of this ordinance prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners (both general and limited) or members thereof and such word as applied to corporations shall include the offices, agents, or employees thereof who are responsible for any violation of said section.

4. **Pushcart** is defined as a non-motorized wheeled vehicle propelled solely by human strength.

5. **Stand** is defined as any table, showcase, bench, booth, rack, pushcart, or any other wheeled vehicle or fixture which may be removed without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for displaying, storing or transporting of articles offered for sale by a vendor.

6. **Vending** is defined as the act of selling, offering for sale, transferring, or offering to transfer to another for pecuniary gain.

7. **Vendor** is defined as any person engaged in the selling or offering for sale of food, beverages, services or merchandise on the public streets or sidewalks from a stand, pushcart or motor vehicle. Vendor is not considered a canvasser. (12870 §1 10/5/88)

8. **Notice of violation** is defined as a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

9. **Private Property** is defined as any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

10. **Public Officer** is defined as any police officer, authorized inspector, or public official sworn to enforce the City Ordinances.

11. **Sidewalk Area** is defined as the public right-of-way between the property line and the curb line or the established edge of the roadway.

12. **Violation Ticket** is defined as a ticket issued by a police officer or public officer to a person who violates a provision of this Article. (14365 §1 3/7/06; 15003 §1 6/20/12)

13. **Vendor License Review Committee** is defined as an appeal body, whose members are appointed by the Director of Community and Economic Development Director or designee, who reviews vendor applications, issues or denies vendor licenses and hears appeals by vendor applicants who are denied a license.

14. **Exception** is defined as a rule or documented ordinance requirement that does not apply in a particular situation or circumstance.

740.02 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale any food, beverage, service or merchandise on any street, ~~alley,~~ sidewalk, or ~~public park~~ parking lot within the City from any ~~wagon, truck, auto, pushcart,~~ stand, pushcart or motor vehicle ~~upon the streets, sidewalks, alleys or parking lots of the City until the proper~~ unless a street and sidewalk vendor license has been issued by the Department of ~~Administration and Finance~~ Community and Economic Development, at which time a license tag shall be furnished, upon which license tag shall be the words describing the kind of vendor, ~~and~~ the year ~~or part of the year~~ for which the license is paid, and the following words, "The issuance of this license does not constitute an endorsement by the City of Allentown of any article sold pursuant to the terms of this license." Such license tag shall be, at all times during the period for which the license is paid, securely affixed and attached in a conspicuous place upon the stand, ~~wagon, truck, auto,~~ pushcart or motor vehicle ~~other vehicle~~ used in the business by the vendor. (12876 §1 10/5/88)

Vendors shall be required to obtain a Business License prior to opening and shall be required to pay Occupational Privilege Tax for all employees. When obtaining a Business License, stationary vendor locations must be approved through the City of Allentown Zoning Office. Those selling food shall be required to obtain a Health License. A Health License does not give a vendor privilege to sell food in prohibited locations as described in Section 740.07

740.03 SPECIAL EVENTS, PROGRAMS AND GEOGRAPHICAL AREAS

A. Licenses issued to vendors shall not be applicable within certain areas of the City designated by the ~~Mayor and~~ Director of Community and Economic Development during specific time periods designated for authorized special events. The areas so designated shall not encompass more than five (5%) percent of the total land area of the City; the total of the time periods so specified shall not exceed thirty (30) days in any year.

B. For specific City authorized events and programs, the Director of Community and Economic Development or designee ~~and the Mayor~~ may grant written permission for exceptions to the provisions of Section 740.07 regarding vending locations, Section 740.05 regarding vending fee and Section 740.08 regarding merchandise vended and vending hours according to written guidelines for the specific event. (12876 §1 10/5/88)

C. For specific geographical areas of the City, the Director of Community and Economic Development or designee may grant written permission for exceptions to 740.07 regarding vending prohibited in certain locations, 740.08 regarding limitations on vending and 740.09 regarding prohibited conduct according to written guidelines for the geographical areas.

740.04 APPLICATIONS

The application for a vendor's license shall include:

1. Name, daytime and evening phone number, home and business address of the owner ~~applicant and the name and address of the owner, if other than the applicant,~~ of the vending business, stand, pushcart or motor vehicle to be used in the operation of the vending business. ~~If employed, the applicant together with credentials establishing the exact relationship.~~

2. A description of the type of food, service, or merchandise to be sold.

3. The place or places where applicant proposes to vend.

4. The days and hours of operation.

5. A description, dimensions and photograph, blueprint or drawing of any stand, pushcart or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business. Include in the description any tables, crates, cartons, racks or other devices to be used to increase the displaying capacity of the stand, pushcart or motor vehicle. Photograph shall be of standard motor vehicle in operational mode. Stand or pushcart may not have dimensions which exceed 4 feet in width, 8 feet in length and 8 feet in height without additional encroachment approval from the Allentown Department of Engineering.

~~5. Three (3) two inch (2") by two inch (2") prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application, of any person who shall sell, or offer for sale, any food, service, or merchandise on any street or sidewalk within the City. (12870 §1 10/5/88)~~

6. Submission of a current liability insurance policy with a $1,000,000 coverage that must remain active during the term of the vendor license. City of Allentown must be listed as an additional insured.

7. A signed lease from the property owner if the vendor plans to operate on commercial private property.

740.05 FEE

A. A non-refundable application fee of Fifty ($50) Dollars shall be required from all applicants. An approved vendor shall be required to pay an additional Two Hundred Fifty ($250) Dollars prior to receiving their license.

~~A. The license fees as required herein are to be established in accordance with the requirements of the Charter.~~

~~B. None of the license fees provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Department of Administration and Finance for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. The application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the officer may deem necessary in order to determine the extent, if any, of the undue burden on such commerce. The Department shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make finds of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the officer shall have the power to base the fee upon a percentage of gross sales or any other method which shall assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the Department determine the gross sales measure of the fee to be the fair basis, he may required the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor. However, no additional fee during any one calendar year shall be required after the licensee has paid an amount equal to the annual license as prescribed in Section 710.05(a).~~

B~~C~~. No fee shall be charged of any member of a chartered nonprofit charitable service or youth organization for vending at City authorized events or programs, but any such member engaged in vending as defined herein shall obtain a license as aforesaid. (12870 §1 10/5/88)

740.06 ISSUANCE

~~Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Department of Administration and Finance of the decision on the issuance or denial of the license. Failure of the Department to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested license to the applicant.~~ The Director of Community and Economic Development or designee shall determine whether to approve or deny the license application based on recommendations by the Vendor License Review Committee. The Director or ~~his~~ designee and the Vendor License Review Committee shall consider the standards set forth in Sections 740.07 through 740.10, in determining whether to grant a license. If the issuance of the license is approved, the Department shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reason therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing, pursuant to Section 740.13. (12870 §1 10/5/88)

740.07 VENDING PROHIBITED IN CERTAIN LOCATIONS

Vending is prohibited in the following locations, unless the vendor is granted an exception by the Director of Community and Economic Development or designee: (The securing of a Health License per Section 740.02 does not pre-empt this section.)

1. Within a City park.

2. On the streets adjacent to or bordering a City park. ~~which is designated by the Mayor and the Director of Community Development.~~

3. From a publicly-owned parking lot or metered or controlled parking space, unless the vendor is granted an exception by the Director of the Parking Authority or designee and the Director of Community and Economic Development or designee.

4. Within one hundred (100') feet of any property used for school purposes (elementary and secondary) during school hours.

5. On any sidewalk less than six (6') feet in width.

6. Within fifty (50') feet of any driveway entrance to a police or fire station, or within fifteen (15') feet of any other driveway.

7. Within fifteen (15') feet of any bus stop zone.

8. Within fifteen (15') feet of the pedestrian crosswalk at any intersection, or designated pedestrian crossing point.

9. Within fifteen (15') feet of any handicapped parking space, or access ramp.

10. Within any private property without the written approval of the property owner and the City Zoning Office.

11. Within any sidewalk six (6') feet or more in width without the written approval of the property owner responsible for maintenance of the sidewalk and/or right-of-way area to be obstructed, the City Zoning Office approval and any encroachment permit required by the Bureau of Engineering.

12. Within a residential zoning district (excluding motor food vehicles when the vendors have received written permission from the Director of Community and Economic Development or designee).

~~12. Within the boundaries of the Hamilton Mall except under the provisions of Article 961, as amended, of the Codified Ordinances of the City of Allentown, Hamilton Mall Ordinance. (12870 §1 10/5/88)~~

740.08 LIMITATIONS ON VENDING

Vending shall be subject to all rules and regulations in this ordinance and in addition:

1. No merchandise or service shall be vended or displayed other than food and fresh cut flowers except upon written permission by the Director of Community and Economic Development or designee ~~and the Mayor~~.

~~2. No vending shall be permitted except between the hours of 9:00 A.M. and thirty (30) minutes after sunset. (12870 §1 10/5/88)~~

2. Vending shall be regulated by operating hours. General hours of operation throughout the City shall be determined by the Director of Community and Economic Development. Special exceptions to the established operating hours shall only be permitted upon written permission by the Director of Community and Economic Development or designee.

3. Merchants may not transact business on the public right-of-way in an area in front of their business unless the merchant is granted an exception from the Director of Community and Economic Development or designee.

4. All approved vendors utilizing City sidewalks for vending shall establish themselves, their displays and the product they are holding out for sale as close as is reasonably possible to the curb line. At no time shall a vendor interfere with or obstruct the free passage of pedestrians upon a sidewalk. Five (5') feet of clearance must be maintained at all times for pedestrian right-of-way.

740.09 PROHIBITED CONDUCT

No vendor shall:

1. Leave any stand, pushcart or motor vehicle unattended.

2. Store, park, or leave any stand or pushcart overnight on any street or sidewalk, or park any motor~~ized~~ vendor vehicle other than in a lawful parking space, in conformance with City and State parking regulations.

3. Sell food for immediate consumption unless he has available for public use his/her own ~~litter~~ trash and recycling receptacle. ~~which is available for his patrons' use.~~

4. Allow or keep any animals in the stand, pushcart or motor vehicle. ~~or stands.~~

5. Leave any location or vending zone without first picking up, removing, recycling and disposing of all trash and refuse remaining within a thirty (30') foot radius. Each vendor shall be responsible for maintaining a thirty (30') foot radius trash and refuse clear area around ~~himself~~ the stand, pushcart or motor vehicle. Said area shall overlap other vendor clean-up areas and no vendor shall leave a location, or vending zone, without cleaning up as required.

6. Allow any items relating to the operating of the vending business to be placed anywhere other than in, on, or under the stand, pushcart or motor vehicle.

7. Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling or displaying capacity of his/her stand, pushcart or motor vehicle, where such items have not been described in his/her application.

8. Solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets and highways.

9. Sell anything other than that for which he is licensed to vend.

10. Use any noise-making device.

11. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property.

12. Allow any animals to remain within twenty-five (25') feet of a stand for a period longer than necessary to complete a sale to the person having possession, or control of said animal.

13. Expose inventory stock at or near the stand, pushcart or motor vehicle.

~~13.~~14. No vendor vending from a motor vehicle shall:

A. Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

B. Stop, stand or park his/her motor vehicle upon any street, or permit to remain there except on the approved roadway at the curb for the purpose of vending therefrom; or

Stop, stand or park his/her motor vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance, except by special permission for City-sponsored or supported events that result in the closing of that thoroughfare.

C. Stop, stand or park his/her motor vehicle within thirty (30') feet of any intersection, except that vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

D. Vend anywhere prohibited by Section 740.07. (12870 §1 10/5/88)

15. Operate on commercial private property without a signed lease from the property owner. A copy of the lease shall be included with the application. Vendors cannot operate on residential private property.

16. Use sidewalk marketing signs on City sidewalks or public parking spaces.

740.10 HEALTH AND SANITATION REQUIREMENTS FOR FOOD VENDING

Vendors of food shall comply with ~~the requirements and standards of~~ all applicable local ordinances, state laws, and federal statutes pertaining to food safety as enforced by the Bureau of Health and other authorized regulatory agencies. (12876 §1 10/5/88)

740.11 LICENSE EXPIRATION AND RENEWAL

~~Subject to the provisions of Section 710.03~~

A. All annual licenses issued under the provisions of this ordinance shall expire on December 31 in the year of issue. (12870 §1 10/5/88)

B. All licenses are valid for the entire licensing period unless revoked or suspended prior to expiration.

C. Application to renew a license shall be made not later than thirty (30) days before the expiration of the current license. (12870 §1 10/5/88)

740.12 ~~DENIAL~~ LICENSE SUSPENSION ~~AND~~ OR REVOCATION

~~A. Any license or permit may be denied, suspended or revoked after notice and hearing for any of the following causes:~~

A. The City may suspend or revoke a license without providing any rebate of fees to the license holder if the license holder:

1. Commits fraud or ~~misrepresentation~~ falsifies information contained in the application for the license ~~or permit~~;

2. Commits fraud or ~~misrepresentation~~ falsifies information ~~made~~ in the course of carrying on the business of vending;

3. Conducts ~~Conduct of~~ the licensed ~~or permitted~~ business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals;

~~4. Conduct which is contrary to the provisions of this ordinance.~~

4. Is issued a violation ticket for violation of this article;

5. Has exposed inventory stock at or near the stand, pushcart or motor vehicle;

6. Has a display stand, pushcart or motor vehicle which differs from that submitted in the photograph to the City;

7. Has a display stand, pushcart or motor vehicle whose dimensions substantially differ from those approved by the City;

8. Fails to keep the area surrounding the stand, pushcart or motor vehicle clear of trash, debris, snow or ice for a distance of thirty (30') feet;

9. Uses a stand, pushcart or motor vehicle for the purpose of selling merchandise;

10. Keeps animals near the stand, pushcart or motor vehicle;

11. Uses parking meters, utility poles, trees, or property other than the vendors own stand, pushcart or motor vehicle to advertise in any manner;

12. Fails to remove the stand, pushcart or motor vehicle at the end of every business day;

13. Fails to operate from the site specified by the City (excluding motor vehicle vendors);

14. Fails to display the license issued at all times while vending;

15. Or in any other manner violates any provision of this section or violates any of the terms and conditions of the license issued.

~~B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (12870 §1 10/5/88)~~

B. When a license is suspended, vending operations shall immediately cease. Whenever a license is suspended, the holder of the license shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing. Prior to suspending or revoking a license, the City shall notify the license holder of the time, place and nature of the hearing; shall specify the legal authority and jurisdiction under which the hearing is to be held; shall reference the particular section of the Ordinance or regulations involved; shall set forth a short and plain statement of the matters at issue; and shall provide the license holder with a date for an opportunity to respond to any charges and present evidence and argument on all issues involved.

C. When a license is suspended, the holder of the license or the person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Department of Community and Economic Development by the holder of the license within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The Department of Community and Economic Development may end the suspension at any time if reasons for suspension no longer exist.

D. A notice provided for in this article is properly served when it is delivered to the holder of the license, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, or hand delivered to the last known address of the holder of the license or is conspicuously posted at the food service establishment.

740.13 APPEAL TO ~~COUNCIL~~ THE VENDOR APPLICATION REVIEW COMMITTEE; NOTICE AND HEARING

Any person aggrieved by the action of the Department of Community and Economic Development in the denial of the license as provided in Section 740.06 or ~~the action of the Department of Administration and Finance~~ in the assessing of the fee as provided in Section 740.05 shall have the right of appeal to ~~Council~~ the Vendor Application Review Committee. An appeal shall be taken by filing with ~~Council~~ the Vendor Application Review Committee within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. ~~Council~~ The Vendor Application Review Committee shall set a time and place for a hearing on such appeal and notice of the hearing shall be given to the appellant in the same manner as provided in Section for notice of hearing on revocation. The decision and order of ~~Council~~ the Vendor Application Review Committee on such appeal shall be final and conclusive. (12870 §1 10/5/88)

~~**740.14 EXPIRATION OF LICENSE**~~

~~All annual licenses issued under the provisions of this ordinance shall expire on December 31 in the year of issue. (12870 §1 10/5/88)~~

740.14 TRANSFER AND DISPLAY OF LICENSE

No license issued under the provisions of this section shall be used or worn at any time by any person other than the one to whom it was issued or that person's employee. A license holder or his employee shall display the license at all times while that person is vending. Failure to do so shall be considered a violation of this Article and/or cause for revocation of such license. Such revocation shall not entitle the former license holder to any rebate on fees paid.

740.15 REGULATIONS

The City may publish and post any regulations governing the procedures and enforcement of any provisions of this Article.

740.98 SEVERABILITY

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part. (12870 §2 10/5/88)

~~740.99 PENALTY~~

~~Any person violating any provision of this ordinance shall, upon conviction, shall be punished by a fine not to exceed Three Hundred ($300.00) Dollars or imprisonment not more than ninety (90) days or by both fine and imprisonment. (12870 §1 10/5/88)~~

740.99 ENFORCEMENT

A. Penalties

1. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

2. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

3. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

4. A public officer is authorized and empowered to cause a violation to be corrected.

5. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Community and Economic Development or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

6. Violation Ticket Appeals Process

a. A person in receipt of a violation ticket may appeal to the Hearing Officer designated by the Director of Community and Economic Development or designee by filing a request within ten (10) days of receipt of the violation ticket.

b. The Hearing Officer, designated by the Director of Community and Economic Development may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts.

7. Violation Ticket Fines

a. Violation tickets shall be issued in the amount of One Hundred ($100) Dollars.

b. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction, as indicated on the violation ticket.

8. Violation Ticket Penalties

a. If the person in receipt of an one hundred ($100) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Twenty-five ($25) Dollar penalty for days eleven (11) through twenty (20).

b. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

9. Citation Fines

a. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction in a summary proceeding, be ordered to pay a fine not less than One Hundred ($100) Dollars, nor more than One Thousand ($1000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

b. The Magisterial District Judge may order the violator to make restitution for damage to any real or personal property or for any remediation or abatement expense.

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  Community and Economic Development

- **Summary and Facts of the Bill**

  The bill offers a consolidated, city-wide ordinance that addresses the licensing and enforcement of mobile vendors on City streets, sidewalks and parking lots.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  The primary goal of the bill is to ensure that appropriate regulation and enforcement are in place for mobile vendors seeking to operate on City streets, sidewalks and parking lots while clearly identifying prohibited locations.
  The benefits of approving this bill will ensure proper oversight and a level playing field of mobile vending in the entire City. Existing ordinances are fragmented and only focus on limited areas of regulation and enforcement. The bill also increases fees for mobile vending operations to create greater equity between brick-and-mortar operations.
  It is the goal of the City to encourage and broaden all aspects of economic activity and at the same time ensure equity and a level playing field.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  The increase in fees will benefit the City and is more reflective of fees applied by other municipalities within the state for similar mobile vendor operations.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

  No funding is required to inact this bill into ordinance.

- **Priority status/Deadlines, if any**

  As a result of the slow and recovering economy, those seeking to operate mobile vending operations has increased substantially. The sooner this city-wide bill becomes ordinance, the sooner the administration will be able to address the increased interest and applications for mobile vending in all locations of the city.

- **Why should Council unanimously support this bill?**

  With the coming of the downtown public Arena, increased employment and developments city-wide it is imperative that the City of Allentown is prepared to address the changing landscape and increased interest of mobile vending operations. If this bill is not approved, we will witness mobile vending operations that will start and continue without proper and appropriate oversight.

ADMINISTRATION

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 40 - 2013

AUGUST 7, 2013

AN ORDINANCE

Amending the 2013 Golf Course Fund Budget to provide for a supplemental appropriation of Sixty Thousand ($60,000) Dollars to provide for Driving Range improvements.

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

SECTION ONE: That City Council authorizes an increase to the unappropriated balance of the 2013 Golf Course Fund in the amount of Sixty Thousand Dollars ($60,000), for Driving Range improvements.

SECTION TWO: That City Council authorizes a supplemental appropriation from the unappropriated balance of the 2013 Golf Course Fund, as follows:

091-08-9001-0005-46	Other Contract Services	$22,350
091-08-9001-0005-54	Repair & Maintenance Supplies	$14,500
091-08-9001-0005-72	Equipment	$23,150

SECTION THREE: That this Ordinance will take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  Parks & Recreation, Golf Course. Initiative originated from the Golf Course Bureau Manager/Golf Pro.

- **Summary and Facts of the Bill**

  This bill will provide for a supplemental appropriation of $60,000 from Golf Course funds for Golf Course capital improvements to the Driving Range.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  This bill would appropriate funding to provide for Drving Range improvements. The Driving Range has not had improvements made in a long time. The proposed improvements would provide a sidewalk and concreted, then artificially-turfed drving range surface. Improvements to the driving range are necessary to make this facility ADA-compliant; these improvement would also increase revenues. This aligns with the City's mission to provide an enjoyable experience to those who use the driving range, and those who enjoy playing golf in the off-season.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  Initial cost wil be approximately $60,000 but should pay for itself over time due to increased driving range usage.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

  Golf Course funds, reappropriating revenues.

- **Priority status/Deadlines, if any**

  We propose having these improvement completed in early fall, to allow usage starting in late fall and over the winter months, when the golf course is not playable due to weather and wet-soil conditions.

- **Why should Council unanimously support this bill?**

  To provide for much-needed improvement to the golf course.

CITY OF ALLENTOWN

No. CA-1 **RESOLUTION** **2013**

Introduced by the Administration on August 21, 2013

Certificates of Appropriateness for work in the Historic Districts

Resolved by the Council of the City of Allentown, That

WHEREAS, Certificates of Appropriateness are required under the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania No. 167, June 13, 1961 (P.L. 282) and City of Allentown Ordinance No. 12314; and

WHEREAS, the following owners and/or applicants propose exterior alterations of the listed properties as indicated on the attached Case Reports:

Randy D'Angelo/CT Install America, LLC
35 N 11th Street

Terri Boyd
235 N 9th Street

Brian & Linda Fisher
116 N 12th Street

Jack Porior/William Bundra
1143 W Turner St

WHEREAS, on August 5, 2013, the Allentown Historical Architectural Review Board recommended approval of the above applications or offered modifications, which were subsequently accepted by the property owners, to City Council; and

WHEREAS, after reviewing the above-mentioned HARB Case Reports, it is the opinion of City Council that the proposed work is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that Certificates of Appropriateness are hereby granted for the above referenced work.

CITY OF ALLENTOWN
Historical Architectural Review Board
FINAL REVIEW SHEET
August 5, 2013

Property located at: 35 N 11th Street
Old Business Agenda #1
Historic District: Old Allentown
Case #HDC-2013-41
Meeting date: August 5, 2013

Property Owner: Randy D'Angelo
Address: 35 N 11th St
Applicant: CT Install America, LLC
Applicant's Address: 1353 Alleghenyville Rd, Mohnton PA 19540

Building description, period, style, defining features: This structure is a 3 story attached brick Queen Anne porch house with a Mansard roof with asphalt shingles and dormer with gabled roof, full-front porch with intact wood posts and railings. The house dates from c. 1880. The house has Eastlake lintels with decorative brick arches.

Proposed alterations: It is proposed to build a 3-story rear addition to house with windows and doors. The first floor will be extended 8', the second floor 7', and the third floor 17'. It is proposed to install a "brick veneer" on the exterior walls. There are 3 casement windows (27 ½" x 48" each) proposed on the first floor, and a 36" x 48" double hung window on the third floor. The upper two roof areas are to be covered with a rubber roof, and the first floor roof is to be pitched with shingles. The brick veneer is proposed to be full thick brick to match the existing.

Background:
Per HARB Case #2010-51, heard on October 4, 2010:
Approved Alterations:
Install new 1/1 sash double hung vinyl windows to match existing opening size and shape on the 1st and 2nd floors, the exterior framing, sills and lintels will not be capped.
Per HARB Case 1981-24, heard on May 11, 1981:
Approved Alteration:
Construct a 7 foot ruff sawn spruce fence across the rear yard.
Per HARB Case #1980-19, heard on April 7, 1980:
Approved Alteration:
Install a contemporary, globe type light fixture near front door.
Per HARB Case #1980-11, heard on March 10, 1980:
1. Rebuild the existing frame addition in the rear using period materials.
2. Rebuild the front porch using period materials.

3. Replace a three piece casement window on the 2nd story courtyard side in the rear.
4. Place a four light window in the rebuilt addition.
5. Stucco the rear brick walls.

Staff Approval: n/a.

Guideline Citation: **SIS 9**. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **Allentown Guidelines for Historic Districts:** Chapter 6. Guidelines for Additions in Historic Districts. 1. Relationships to Context of Existing Building, 2. Height, Width and Rhythm, 3. Accessibility, 4. Materials and Features

Evaluation, effect on historic district, recommendations: The proposed addition to the rear of the home still needs further discussion even though more detailed drawings have been submitted.

1. The drawings submitted are not well coordinated and have discrepancies.
2. The proposed windows are not historically proportioned or historic types of windows. Double hung windows should be discussed for all windows including the first floor. A typical historic proportion is 3' x 5' to 5'6" which is not as provided.
3. The type of shingle proposed, fascia and soffit materials, gutter and downspout shapes need to be determined.
4. The reason for the stepped in side walls should be determined. It would be more appropriate to align walls above existing walls except for the third floor where the Mansard roof window must be avoided.
5. The 30" side rubber roof seen on the 3rd floor plan need explanation.
6. Siding may be more appropriate on the lower two additions if the existing siding is not all replaced with brick. A Mansard roof treatment for the third floor would be more historically appropriate.

Discussion: There was first a review of the submitted drawings and their inaccuracies. The actual intent for the addition was established. Along the side of the addition, the first and second floor side walls were to align vertically and the third floor would be set back about 30". Along the property line the different levels of the additions were to align. The size and placement of the windows were also discussed. The applicant said the first floor windows were intended to be double-hung. The HARB recommended moving the proposed third floor window on the property line to face the rear of the property. Windows on property lines are not generally code compliant. The details of the finishes were then reviewed with particular focus on the proposed brick veneer. After pointing out that the veneer brick would never match the historic brick, it was suggested that the applicant consider a smooth fiber cement lap siding. The applicant agreed this would be a better choice. Window sizes and type, roofing, soffit and fascia materials and trim for the fiber cement siding were reviewed.

Motion: The HARB upon motion by Mr. Brobst and seconded by Mr. Sell adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to build a 3-story rear addition to house with windows and doors at 35 N 11th Street was represented by Mike Bassetti.
2. The proposed addition will be constructed as discussed at the HARB meeting.
3. Instead of brick veneer the addition will be sided with smooth prefinished fiber cement siding with approximately a 4" exposure.
4. The windows will be trimmed with 3"-3½" flat casing and there will be corner boards at each corner (approximately 3" in width.)
5. The color of the siding must be reviewed and approved by HARB staff and consultant. A warm neutral color was recommended.
6. Half-round gutter and round downspout will be installed on the addition. The color is to blend with the siding and windows; HARB staff and consultant must approve.
7. New vinyl double hung windows will be installed. There will be three windows (27½" x 48" or 30" x 50") on the first floor facing the rear, no windows on the second floor, and two double-hung windows on the third floor. One third floor window (36" x 60"in size) will face the rear of the addition and one (same

size) will face the side. There will be no window on the property line. The vinyl windows will be tan or beige in color or as approved by the HARB staff and consultant.

8. Soffits will be finished in vinyl, vented, beaded board. Fascia's are to be constructed of Azek or equivalent and painted.
9. The sloped roof on the first floor addition will be finished with GAF Grand Slate in the Welsh Gray color.
10. Revised drawings with the correct wall alignments and setbacks should be submitted for review by the HARB staff and consultant.
11. The proposal to recommend a COA was unanimously approved. (7-0-0; motion carried; *Berner, Brobst, Fillman, Huber, Jackson, Sell, Wheeler)*

CITY OF ALLENTOWN
Historical Architectural Review Board
FINAL REVIEW SHEET
August 5, 2013

ITEM #1 – Case # HDC-2013-43 - Proposal to apply stucco over the brick exterior wall and retain the stockade fence that has been installed in front of the side porch, both on the Pine St. side.

Property located at: 325 N 9th Street
Agenda #1
Historic District: Old Allentown
Case #HDC-2013-43
Meeting date: August 5, 2013

Property Owner: Terri Boyd
Address: 325 N 9th Street, Allentown PA 18102
Applicant: same
Applicant's Address: same

Building description, period, style, defining features: This 3-story brick end of row house, ca 1885 is Eastlake style. The mansard roof has dormers on the front and side façades, bracketed dentilated cornice under the 3rd floor windows, asphalt shingles, and a single chimney. The windows are 1/1 sash with colored glass (a variation of Queen Anne design) in small boxes around the upper sash with incised drape Eastlake lintels. The main entry is a double door with colored glass transom. The 1st floor rear has a frame porch with a shingle roof. There is an iron fence from the back porch to the three car garage. The front stoop is concrete with wrought iron railing. There are two basement window grilles visible.

Current **2004**

Proposed alterations: It is proposed to apply stucco over the brick exterior wall and retain the stockade fence that has been installed in front of the side porch, both on the Pine St. side. The mortar in the brick wall has been repaired several times but continues to deteriorate to the point that signs of moisture is visible on the inside wall. The fence has been installed on the 1st floor to protect the property from vandals.
Background: Per HARB Case 2011-21, heard on May 2, 2011;
Approved Alterations:
1. Install panel shutters on 1st floor and louvered shutter on the 2nd floor windows.
2. Install an appropriate light fixture.

Per HARB Case 2004-19, heard on April 1, 2004;
Approved Alterations:
1. Replacement of side porch balustrade and gate (similar to 143 N 10th St) – prior violation.
2. Replacement of concrete stoop with red brick and blue stone.
3. Installation of 9 pairs of shutters and hardware, louvered on 2nd floor, paneled on 1st floor, on front & side.
4. Installation of black metal light fixture with white round globe at front.

5. Installation of bronze oval OAPA date plaque.

Per HARB Case 2004-07, heard on March 1, 2004;
Approved Alterations:

1. Replacement of two sets of garage doors with one larger paneled steel overhead door of the same height, including the removal of the brick pier between the door openings.

Per HARB Case 2004-04. Heard on Feb. 2, 2004;
Approved Alterations:

1. Replacement of three wooden garage doors with raised panel steel doors to match other garage doors used in the block.

Per HARB Case 2003-02, heard on April 7, 2003 – violation case;
Approved Alterations:

1. Installation of a new wooden railing using 2x2 balusters with a thicker decorative top rail and a bottom rail, in pine, painted to match the 2nd story railing.
2. Case is a result of violation, given 60 days to correct the violation.
3. Non-compliance violation letter sent by certified mail on Nov. 6, 2003, no note of compliance in file.

Staff Approvals:

Violations: June 2013 1.Applied stucco over bricks on side of building on 1st and 2nd floors by the windows. 2. Installed stockade fence in front of 1st floor rear porch.

Guideline Citation: **SIS 9**. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **SIS 6**. Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. **Allentown Guidelines for Historic Districts:** Chapter 5. Guidelines for Existing Buildings and Structures 2. Historic Masonry, 10. Streetscapes and Outdoor Features

Evaluation, effect on historic district, recommendations: The installation of stucco on the brick side façade is not a historically appropriate treatment for this historic house. The reason for the interior moisture may not be problems with the pointing but instead the built-in gutter directly above the area already covered with stucco. A closer examination of the brick pointing may be needed to verify. The existing stucco installed should be removed and the mortar joints patch pointed as needed following Preservation Brief #2 on brick restoration. The built-in gutter needs to be inspected and relined as necessary. Relining the gutter would not need full HARB review but could be handled at the staff level.

The existing stockade type fence is not historically appropriate as installed over the porch structure at the side of the house; however, because of security and privacy concerns a compromise might be discussed. If the entire fence and white decorative porch details were painted to match the primary porch structure (currently dark green) it would be less obvious. A stipulation to remove the fencing from the porch if the house is sold might be considered. It is important that any historic railings be left in place behind the new fence so they can be revealed at a later date.

Discussion: The conditions of the built in gutters were discussed first and then the removal of the inappropriate stucco. The applicant said the gutter had been fixed and that she did not think it was causing the damp interior wall problem. The HARB pointed out that the gutter still might be causing some of the problem and the she should have it inspected again. The HARB reiterated the inappropriateness of the patch of stucco installed at the top corner of the brick wall. The HARB secretary and consultant offered to assist the applicant in the process of removing the stucco.

The fence installed on the side porch led to a lengthy discussion of security and the vacant City property across the alley adjacent to the applicant. Mr. Hartney said there were RFPs out for the development of the vacant property but that it may take some time before the house was renovated and re-occupied. Mr. Brobst, Mr. Wheeler, and Mr. Sell explained that the fence would not deter someone intent on vandalizing or attempting to break in. The applicant disagreed and said she wanted to deter individuals from defacing her property. Mr. Hartney told the HARB that he thought this case was one of unusual circumstances and recommended some sort of accommodation. There was a suggestion to permit the

fence to stay as installed until the adjacent property was renovated and re-occupied. The HARB generally supported this idea. Ms. Jackson and Mr. Wheeler did not agree with the majority and were in favor of requiring removal of the section of fence in question because it covered architectural details of the porch.
Motion: The HARB upon motion by Mr. Sell and seconded by Mr. Berner adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

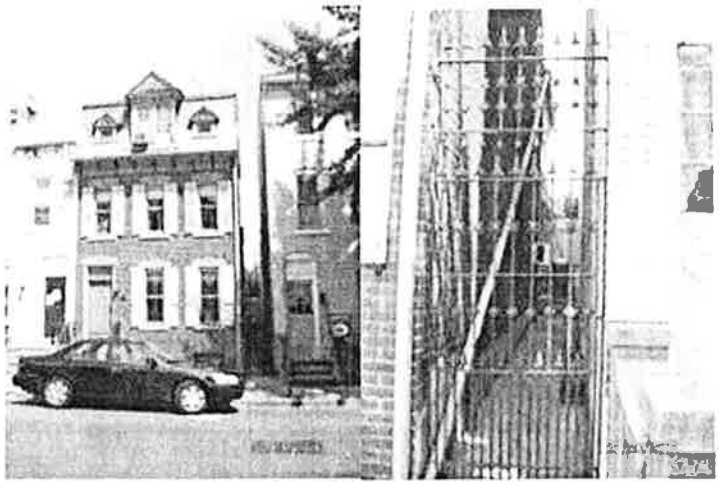
1. The proposal to apply stucco over the brick exterior wall and retain the stockade fence that has been installed in front of the side porch (both on the Pine St. side) at 325 N 9th Street was represented by Terri Boyd.
2. The small area of inappropriate stucco will be removed and the historic brick restored.
3. The Historic Consultant and Mr. Harney will work with the applicant to restore and repoint the brick following Preservation Brief #2.
4. The fence that has been installed on the 1st floor porch to protect the property from vandals may remain until 323 N 9th St becomes occupied. The fence must then be removed. The fence on the historic porch is being allowed because of the mitigating circumstances of the adjacent vacant building.
5. The proposal to recommend a COA was unanimously approved. (5-2-0; motion carried; For approval: *Berner, Brobst, Fillman, Huber, Sell, Against Approval: Jackson, Wheeler)*

CITY OF ALLENTOWN
Historical Architectural Review Board
FINAL REVIEW SHEET
August 5, 2013

Property located at: 1143 W Turner Street
Agenda #2
Historic District: Old Allentown
Case #HDC-2013-45
Meeting date: August 5, 2013

Property Owner: Jack Prior
Address: 1143 W Turner St Allentown PA 18102
Applicant: William Bundra
Applicant's Address: 1672 Railroad St Northampton PA 18067

Building description, period, style, defining features: This 3-story brick row house, ca 1877 is Eastlake in style. The mansard roof has fish scaled slate shingles, a double dormer with small dormer on each side which have fish scaling at the top, scalloped cornice with wooden brackets. The main entry is a single glazed door with transom, a concrete stoop and two visible basement window grilles. There is a cast and wrought iron alley gate between 1139 and 1143 W Turner Street.



Proposed alterations: It is proposed to install a new brick chimney on the side of the structure. The chimney will be approximately 16" x 16" in size and extend 30' high.
Background: n/a
Staff Approvals: n/a
Violations: n/a
Guideline Citation: **SIS 9**. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **SIS 6**. Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. **Allentown Guidelines for Historic Districts:** Chapter 5. Guidelines for Existing Buildings and Structures 2. Historic Masonry
Evaluation, effect on historic district, recommendations: The preferred approach to this project would be to line the existing chimney if possible. The proposed new brick chimney located in the space between the two houses is historically acceptable as proposed. It should be located as far to the rear of the house as possible. Modifications to the existing angled downspout should be discussed. The brick for the new

chimney should match the old as closely as possible (Glen Gery 52 DD or 53 DD might be close matches). The pointing style and color should match the existing.

Discussion: The applicant explained the problems with the existing chimney. The chimney was too small and with too many bends to line. It was compromised and no longer safe to use for the heating season. The proposed chimney was as small as it could be, but it will neck down the alley. It was determined that the alley was not the only means of egress from the rear yard. Concern was expressed about the top of the chimneys and how they would be tied together. It was suggested that the new chimney be positioned so that the sides facing towards the main street would align. By reworking the drip course around the existing and new chimneys it would be hard to detect that there were two chimneys. The mason said he had found a brick that was a close match to the existing named Shrewsbury from Glen Gery.

Motion: The HARB upon motion by Mr. Sell and seconded by Ms. Jackson adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

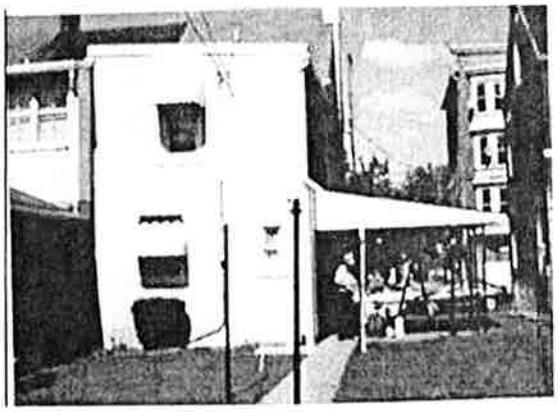
1. The proposal to install a new brick chimney on the side of the structure at 1143 W Turner Street was represented by William Bundra.
2. The existing compromised chimney cannot be lined because of the size and internal configuration of the flue.
3. A new chimney may be constructed and will be approximately 16" x 16" in size and extend 30' high.
4. The new chimney will be placed to align with the front of the existing chimney.
5. The new brick and mortar joint (color, texture of type) will match the old as closely as possible.
6. The existing drip course will be redone and extended around the entire top of the chimney.
7. The proposal to recommend a COA was unanimously approved. (7-0-0; motion carried; *Berner, Brobst, Fillman, Huber, Jackson, Sell, Wheeler)*

CITY OF ALLENTOWN
Historical Architectural Review Board
FINAL REVIEW SHEET
August 5, 2013

Property located at: 116 N 12th Street
Agenda #3
Historic District: Old Allentown
Case #HDC-2013-46
Meeting date: August 5, 2013

Property Owner: Brian & Linda Fisher
Address: 116 N 12th St Allentown PA 18102
Applicant: same
Applicant's Address: same

Building description, period, style, defining features: This 2½-story row brick house, ca 1885 is a Composite house. The gable roof has asphalt shingles, snow guards, a single chimney and a shared dormer. There is a ½ round gutter across the front of the house. The exterior walls are white brickote, which probably covers the original lintels and a cornice. There are front and rear aluminum porch roofs and a concrete block garage at the rear of the property.



Proposed alterations: It is proposed to install a picket fence along front and side of property in the side yard and paint unpainted masonry on exterior of house, garage and chimney. The exterior walls of the house are a combination of brickote, scored stucco to look like brick and asbestos shingle. The garage is cinderblock.
Background: n/a
Staff Approvals: n/a
Violations: n/a
Guideline Citation: **SIS 9**. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. **Allentown Guidelines for Historic Districts:** Chapter 5. Guidelines for Existing Buildings and Structures 10. Streetscapes and Outdoor Features
Evaluation, effect on historic district, recommendations: The painting of unpainted brickote and concrete block is historically acceptable. The surfaces must be washed with a low pressure wash before painting to remove dirt that would compromise the paint adhesion. The HARB does not regulate colors but it is strongly recommended to not paint the chimney a different color from the main wall color. Will the wood trim be painted or will it remain the existing light color? It appears that the front aluminum roof has been partially painted. Is it planned to finish painting it (black?).

A short picket or solid board fence, properly installed along the front of the side yard and no higher than the existing fence would be historically acceptable. The fence should be painted to blend with the house.
Discussion: The applicant explained the details of the new picket fence installation planned. There were few questions from the HARB on this work. The applicant said it would be a white picket fence.

The painting of the house inspired a much longer debate. Mr. Brobst thought that since the house was currently unpainted brickote and the HARB was giving permission to paint the brickote that they should retain the right to approve the paint colors to be used. The Historic Consultant told the HARB that painting the brickote would be an enhancement to the property and she had seen numerous examples of brickote painted. Mr. Brobst was hesitant to give up control of the colors of newly painted masonry.

Mr. Hartney suggested, considering the fact that the existing brickote color was not historic and the color was failing, painting the brickote the proposed colors would be a great improvement over the existing unnatural brickote color (white).
Motion: The HARB upon motion by Mr. Berner and seconded by Ms. Jackson adopted the proposal that City Council issue a Certificate of Appropriateness for the proposed work described herein:

1. The proposal to install a picket fence and paint unpainted masonry on exterior of house, garage and chimney at 116 N 12th Street was represented by Brian & Linda Fisher.
2. The picket fence will be installed along the front and side of the property in the side yard.
3. The wrought iron fence will be removed.
4. The new fence will be a white picket fence, 48" high above the ground with a gate on the right at the house.
5. The unpainted masonry on the exterior of the house and garage may be painted. It is recommended not painting the chimney black. The proposed colors are historically appropriate otherwise. The reason the HARB permitted the painting of unpainted masonry was that the brickote color was not appropriate and it was in poor condition.
6. The proposal to recommend a COA was unanimously approved. (7-0-0; motion carried; *Berner, Brobst, Fillman, Huber, Jackson, Sell, Wheeler)*

CITY OF ALLENTOWN

No. 26 ***RESOLUTION*** ***R - 2013***

Introduced by the Administration on August 21, 2013

Project Title: Restoring Nature to an Inner City Park – Jordan Park, City of Allentown

Web Application ID: 1005429

Resolved by the Council of the City of Allentown, That

WHEREAS, The City of Allentown ("Applicant") desires to undertake the following project:

Restoring Nature to an Inner City Park – Jordan Park, City of Allentown; and

WHEREAS, the Applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled **"Grant Agreement Signature Page"**; and

WHEREAS, the Applicant understands that the contents of the document entitled "Terms and Conditions of Grant", including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the Applicant and the Department **if the application is awarded a grant;** and

NOW THEREFORE, it is resolved that:

1. The foregoing recitals are incorporated herein.
2. City Council hereby approves and authorizes the Mayor to take the necessary actions and enter into the required agreements to secure the aforementioned grant in the amount of $40,100 for the purposes contained therein.
3. The **"Grant Agreement Signature Page"** may be signed on behalf of the applicant by the Official who, at the time of signing, has **TITLE** of **Mayor.**
4. If this Official signed the **"Grant Agreement Signature Page"** prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
5. If the Applicant is awarded a grant, the **"Grant Signature Page"**, signed by the above Official, will become the Applicant/Grantee's **executed** signature page for the Grant Agreement, and the Applicant/Grantee will be bound by the Grant Agreement.
6. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the **TITLE** specified in paragraph 3 and the Grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the City Council, City of Allentown this _____ day of August, 2013.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Parks and Recreation Department. The initiative originated from the Wildlands Conservancy to remove impediments to stream flow on the tributary streams of the Lehigh River throughout Lehigh County. That initiative entailed evaluating three dams within our City limits: Jordan Park Dam, and two dams on the Little Lehigh: The Robin Hood Dam and the small Fish Hatchery Dams.

It is important to note that this resolution only deals with funding the project to remove the Jordan Park Dam. NO ACTION will take place on the Robin Hood Dam or the Fish Hatchery Dam until City Council and the Administration learn more of their respecitve implications.

- **Summary and Facts of the Bill**
  The resolution is needed for general "housecleaning" required by the Pennsylavnia Department of Conservation and Natural Resources.

  The resolution only deals with Jordan Dam project. The Administration, along with City Council, acknowledged in the past that this low-head dam presented grave public safety concerns for our children.

  The resolution under consideration only provides authorization of the terms of the DCNR grant of $40,000 which provides the City its share of funding to complete the changes to the Jordan Park Dam.

  The former Parks Director had previously informed City Council that the City intended only to support the Conservancy's efforts to obtain the grant directly from DCNR. However, upon further consideration the Administration decided to apply for the grant for the City directly in order to control the project on our own park land.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  Goal: The Bill transfers the grant applicant for state funding from Wildlands Conservancy (the original applicant) to the City of Allentown.

  Benefits: The City finalizes paperwork for the release of funds to help pay for this critical public safety dam-removal project on its park property.

  Mission Alignment: This work improves conditions at Jordan Creek, in a public city park. It removes a low head dam, a public safety hazard. It provides for improvements to streambanks, including re-shaping for better stream flow and the installation of streambank stabilization devices, as well as riparian zone plantings.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

Cost: The City of Allentown will pay the Wildlands Conservancy $5,000 for project administration costs. The Conservancy has leveraged funds from PA-DCNR, PA-DEP, American Rivers, NOAA, William Penn Foundation, Wells Fargo Foundation, UGI, and Moravian College.

There are no anticipated ongoing costs, other than customary management of stream-front vegetation (spraying or mechanical removal of invasives, etc.) in a public park.

Benefits: Elimination of a low-head dam and public safety hazard. Improved ecosystem in Jordan Creek, from dam removal, silt removal (built up in the pool behind the dam, over decades), and new riparian plantings.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Funds will be provided from the Pennsylvania Department of Conservation and Natural Resources.

- **Priority status/Deadlines, if any**

- **Why should Council unanimously support this bill?**

To implement action which improves Jordan Park, with considerable funding partners from the Commonwealth as well as private companies, educational institutions and foundations.

CITY OF ALLENTOWN

No. R-21 **RESOLUTION** **2013**

Introduced by the Administration on July 17, 2013

Approves the Submission of the Revised Action Plan to the United States Department of Housing and Urban Development.

Resolved by the Council of the City of Allentown,

WHEREAS, the City of Allentown is eligible to apply for funding through federal housing and community development programs for use within the City; and

WHEREAS, the United States Department of Housing and Urban Development requires the City to prepare an Action Plan to receive such funding; and

WHEREAS, the United States Department of Housing and Urban Development made changes to the city of Allentown's Consolidated Grants Program allocations; and

WHEREAS, the Action Plan serves as the application for Community Development Block Grant Program, HOME Investment Partnerships Program and Emergency Solutions Grants Program Funds, and describes how the City plans to use the federal funds.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Allentown hereby approves of the submission to the United States Department of Housing and Urban Development of the Revised Action Plan for the period July 1, 2013 to June 30, 2014.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  The Resolution originated in the City's Department of Community and Economic Development

- **Summary and Facts of the Bill**

  This legislation will allow the City to submit its Revised annual One-year Action Plan for the use of federal Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME)and Emergency Solutions Grant (ESG)Program funds, to reflect the changes made to accommodate the changes HUD made to the City's grant allocations.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  This resolution authorizes the City to submit the Revised One Year Action plan to HUD. This plan serves as the application for federal CDBG, HOME and ESG funds.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  With the application to HUD, the City adds and additional $504,177 in funds to achieve Community and Economic Development goals, as described in the Five Year Consolidated Plan for the use of federal funds.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The funding sources for this resolution are the federal Community Development Block Grant Program, HOME Investement Partnerships Program and Emergency Solutions Grant Program.

- **Priority status/Deadlines, if any**

  This bill has a high priority status.

- **Why should Council unanimously support this bill?**

  This resolution allows us to submit our One Year Action Plan- application to bring additional grant dollars into the City.

CITY OF ALLENTOWN

No. 25 **RESOLUTION** **R - 2013**

Introduced by the Administration on August 7, 2013

Authorizes an encroachment for a fire escape at 1728 Union Street

---

Resolved by the Council of the City of Allentown, That

WHEREAS, the Property Owner Donald Longenbach is requesting permission to install a fire escape in the public right-of-way at 1728 Union Street, which was denied by the Administration as it encroached more than one third (1/3) into the right-of-way; and

WHEREAS, Council finds that said encroachment will not interfere with the public-right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Allentown, approves said encroachment and directs the Mayor to enter into an agreement on behalf of the City allowing the encroachment.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

  Initiated from an encroachment application to extend a fire escape requiring a permanenet encroachment.

- **Summary and Facts of the Bill**

  Extension of fire escape will encroach more than 1/3 into the public right-of-way.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  It allows the occupants of the building a means of egress in the event of a fire.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

  No cost to the City.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

  N/A

- **Priority status/Deadlines, if any**

  High priority

- **Why should Council unanimously support this bill?**

  Compliance of the uniform construction code for the building.

Allentown
City without limits.

Lisa A. Cocca
Administrative Supervisor
Department of Public Works
Bureau of Engineering
641 South Tenth Street
Allentown PA 18103
610.437.7576
Fax 610.437.7614
coccal@allentowncity.org

July 17, 2013

Donald Longenbach
1302 N. 16th Street
Allentown PA 18104

RE: 1728 Union Street- Permanent Encroachment fire escape in the public right-of-way

Dear Applicant:

Enclosed please find a copy of the original Encroachment application (a copy has been sent to City Council) regarding your request for the permanent encroachment pertaining to the fire escape in the public right-of-way.

Please note the request was denied by the department(s) listed on the routing sheet on the back of the application. However, your application was submitted to City Council to reconsider the decision.

If you have any questions please do not hesitate to call me at 610-437-7596.

Very truly yours,

Lisa A. Cocca

Lisa A. Cocca

Enclosure

cc: City Council

An Equal Opportunity Employer www.allentownpa.gov Hearing Impaired - TTY 610.437.7551 Printed on Recycled Paper

Permanent

ERMANENT X
EMPORARY
PPLICATION DATE 7-9-13

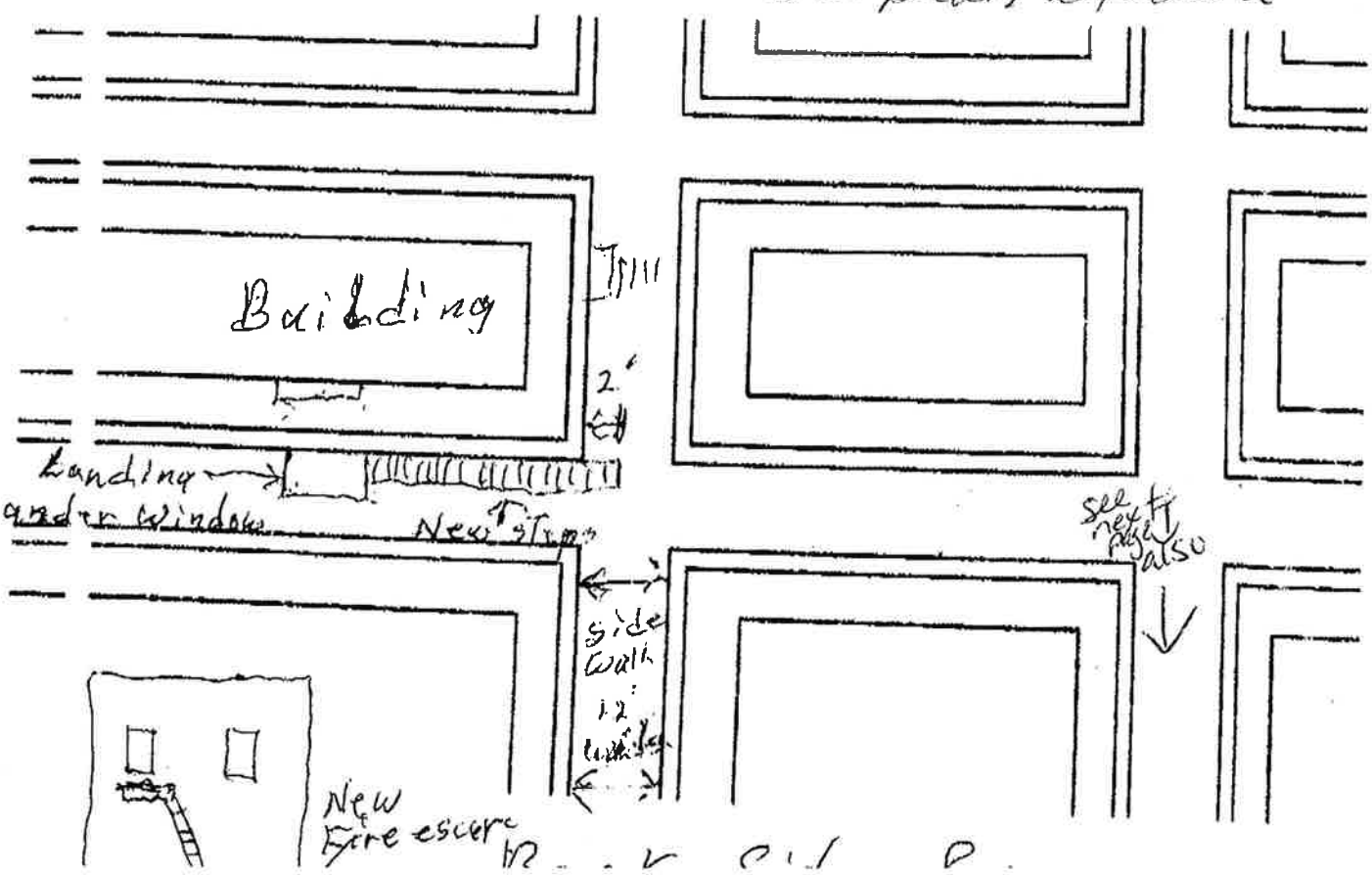
PERMIT NO.
DATE ISSUED
FEE PAID

INFORMATION TO BE FAXED TO THE ENGINEERING DEPARTMENT FAX (610) 437-7614
PLEASE PRINT OR TYPE CLEARLY WITH BLUE OR BLACK INK

DDRESS OF ENCROACHMENT: 1728 Union ST. Allentown Pa.
IME PERIOD APPLIED FOR: A 3 yr (Permit
YPE OF ENCROACHMENT: extend fire escape 2' past building
DUMPSTER OR SCAFFOLDING:
AME OF SUPPLIER: Nash Welding Richard Nash PHONE 610-437-1042
DDRESS 1919 Walbert Ave Allentown Pa. 18104
AME OF PROPERTY OWNER Donald Longenbach PHONE 610-435-2030
DDRESS 1302 N. 16TH ST Allentown Pa. 18102
AME OF APPLICANT Richard Nash PHONE: 610-437-1042
DDRESS 1919 Walbert Ave Allentown, Pa. 18104
PPLICANT'S SIGNATURE Richard Nash

ALL APPLICATION TO BE ACCOMPANIED BY A MEASURE SKETCH BELOW

See plan attached



1919 Walbert Ave Allentown, Pa. 18104

NAME OF PROPERTY OWNER Gerald Longbnbash PHONE 610-435-2030

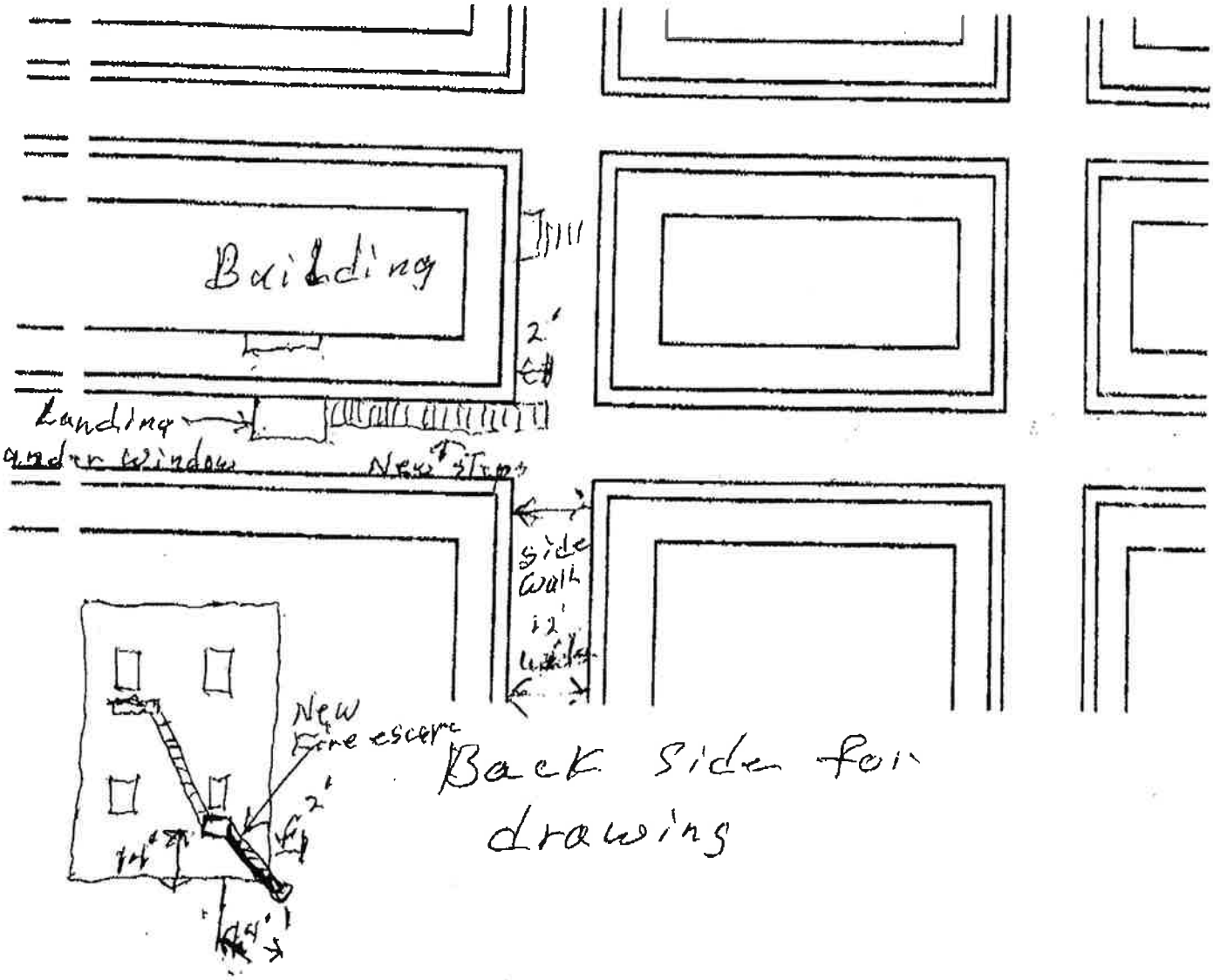
ADDRESS 4302 N. 16TH ST Allentown Pa.

NAME OF APPLICANT Richard Nash PHONE: 610-437-1042

ADDRESS 1919 Walbert Ave Allentown, Pa. 18104

APPLICANT'S SIGNATURE Richard Nash

ALL APPLICATION TO BE ACCOMPANIED BY A MEASURE SKETCH BELOW



Back Side for drawing

ROUTING SHEET

BUREAU OR DIVISION	DATE REC'D.	DATE REVIEW COMPLETED	DATE APPROVED	*DATE REJECTED
MDH HARB	7/10/13	7/10/13	Not in Historic District	
ENG.	7/10/13	7/10/13	~~7/10/13~~	* 7/10/13
INSP.	7/10/13	7/10/13	7-10-13	
TRAFFIC	7/10/13	7/10/13	~~7/10/13~~	* 7/10/13
~~OTHER~~ zoning	7-13-13	7-13-13	7-13-13	

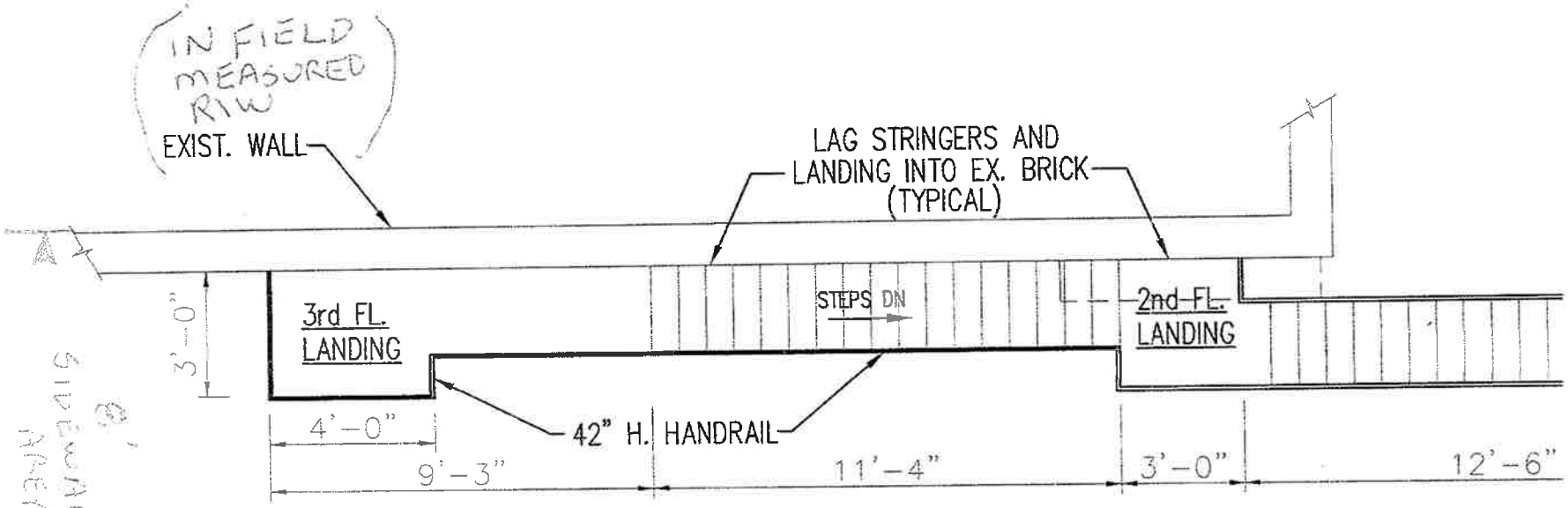
UPON COMPLETION OF REVIEW BY THOSE BUREAUS/DIVISION/AGENCIES CHECKED ABOVE, RETURN THE APPLICATION TO THE DIRECTOR OF CODE ENFORCEMENT (BUILDING STANDARDS AND SAFETY - INSPECTION DIVISION). IF REJECTED MANAGER OF BUREAU/DIVISION/AGENCY IS TO ATTACH MEMO EXPLAINING REASON/S.

IF REJECTED OR NOT PERMITTED IN ACCORDANCE WITH THE ORDINANCE, FORWARD TO CITY CLERK FOR ACTION BY CITY COUNCIL.

_____ APPROVED _____ REJECTED

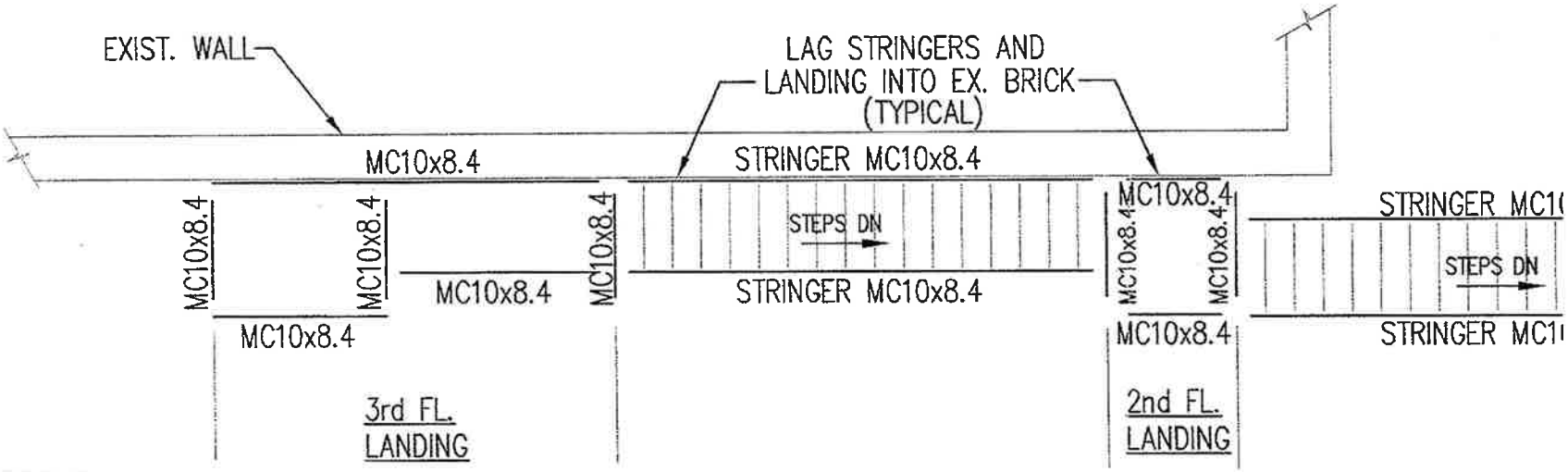
_____ DIRECTOR, COMMUNITY DEVELOPMENT OR DESIGNEE _____ DATE

* min 3 ft encroachment into the 8 ft sidewalk area) more than 1/3 of the ROW
See attached plan
as per BP plan
061377



PROPOSED FIRE ESCAPE - PLAN VIEW

SCALE: 1/4" = 1'-0"



CITY OF ALLENTOWN

No. 26 ***RESOLUTION*** ***R - 2013***

Introduced by the Administration on August 21, 2013

Project Title: Restoring Nature to an Inner City Park – Jordan Park, City of Allentown

Web Application ID: 1005429

Resolved by the Council of the City of Allentown, That

WHEREAS, The City of Allentown ("Applicant") desires to undertake the following project:

Restoring Nature to an Inner City Park – Jordan Park, City of Allentown; and

WHEREAS, the Applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled **"Grant Agreement Signature Page"**; and

WHEREAS, the Applicant understands that the contents of the document entitled "Terms and Conditions of Grant", including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the Applicant and the Department **if the application is awarded a grant;** and

NOW THEREFORE, it is resolved that:

1. The foregoing recitals are incorporated herein.
2. City Council hereby approves and authorizes the Mayor to take the necessary actions and enter into the required agreements to secure the aforementioned grant in the amount of $40,100 for the purposes contained therein.
3. The **"Grant Agreement Signature Page"** may be signed on behalf of the applicant by the Official who, at the time of signing, has **TITLE** of **Mayor.**
4. If this Official signed the **"Grant Agreement Signature Page"** prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
5. If the Applicant is awarded a grant, the **"Grant Signature Page"**, signed by the above Official, will become the Applicant/Grantee's **executed** signature page for the Grant Agreement, and the Applicant/Grantee will be bound by the Grant Agreement.
6. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the **TITLE** specified in paragraph 3 and the Grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the City Council, City of Allentown this _____ day of August, 2013.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Parks and Recreation Department. The initiative originated from the Wildlands Conservancy to remove impediments to stream flow on the tributary streams of the Lehigh River throughout Lehigh County. That initiative entailed evaluating three dams within our City limits: Jordan Park Dam, and two dams on the Little Lehigh: The Robin Hood Dam and the small Fish Hatchery Dams.

It is important to note that this resolution only deals with funding the project to remove the Jordan Park Dam. NO ACTION will take place on the Robin Hood Dam or the Fish Hatchery Dam until City Council and the Administration learn more of their respecitve implications.

- **Summary and Facts of the Bill**
  The resolution is needed for general "housecleaning" required by the Pennsylavnia Department of Conservation and Natural Resources.

  The resolution only deals with Jordan Dam project. The Administration, along with City Council, acknowledged in the past that this low-head dam presented grave public safety concerns for our children.

  The resolution under consideration only provides authorization of the terms of the DCNR grant of $40,000 which provides the City its share of funding to complete the changes to the Jordan Park Dam.

  The former Parks Director had previously informed City Council that the City intended only to support the Conservancy's efforts to obtain the grant directly from DCNR. However, upon further consideration the Administration decided to apply for the grant for the City directly in order to control the project on our own park land.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City's Vision/Mission/Priorities**

  Goal: The Bill transfers the grant applicant for state funding from Wildlands Conservancy (the original applicant) to the City of Allentown.

  Benefits: The City finalizes paperwork for the release of funds to help pay for this critical public safety dam-removal project on its park property.

  Mission Alignment: This work improves conditions at Jordan Creek, in a public city park. It removes a low head dam, a public safety hazard. It provides for improvements to streambanks, including re-shaping for better stream flow and the installation of streambank stabilization devices, as well as riparian zone plantings.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

Cost: The City of Allentown will pay the Wildlands Conservancy $5,000 for project administration costs. The Conservancy has leveraged funds from PA-DCNR, PA-DEP, American Rivers, NOAA, William Penn Foundation, Wells Fargo Foundation, UGI, and Moravian College.

There are no anticipated ongoing costs, other than customary management of stream-front vegetation (spraying or mechanical removal of invasives, etc.) in a public park.

Benefits: Elimination of a low-head dam and public safety hazard. Improved ecosystem in Jordan Creek, from dam removal, silt removal (built up in the pool behind the dam, over decades), and new riparian plantings.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Funds will be provided from the Pennsylvania Department of Conservation and Natural Resources.

- **Priority status/Deadlines, if any**

- **Why should Council unanimously support this bill?**

To implement action which improves Jordan Park, with considerable funding partners from the Commonwealth as well as private companies, educational institutions and foundations.