

ORDINANCE NO. 14924

FILE OF CITY COUNCIL

BILL NO. 58 - 2011

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JULY 20, 2011

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AN ORDINANCE

Amending the Zoning Code, Article 1301-1331, of the Codified Ordinances of the City of Allentown to clarify various provisions within the Traditional Neighborhood Development Overlay District (TNDO).

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

SECTION ONE: That Section 1314.02, TNDO Traditional Neighborhood Development Overlay District, be amended as follows:

C. TNDO Regulations

1. Front Yard Building Setback.

- a. This section shall apply in place of the standard front yard setback requirements for the underlying zoning district when any new principal building is proposed within the TND Overlay District.
- b. The front yard building setback shall be consistent with the average existing setback of the block as further described below. The required front yard building setback shall apply from a public street right-of-way for a new principal building. At least a majority of the front building wall and/or the front porch of such new building shall meet such required building setback.
- c. The required front yard building setback shall be based upon the average setback of all existing principal buildings that are within the same block face.
  - (1) If one existing building on another lot has a front setback that is more than 25 feet different in setback than the average of the other buildings, it shall not be considered in the average.
  - (2) A lot that is not occupied by a principal building shall not be considered in the average.
- d. The required front yard building setback shall not vary from the average setback by more than 5 feet to the front or to the back of the average setback, but in no case shall the setback be greater than or less than the existing setback on the two adjoining properties.
  - (1) In cases where the setbacks of all such properties are the same, then the front setback of the subject lot must equal that setback.
  - (2) Buildings may have a setback that varies by more than 5 feet from the average setback if the following conditions are met:
    - a) The increased setback is proposed for outside dining,

covered or uncovered, and

b) The dining area is defined or enclosed by an appropriately scaled architectural edge comprised of walls, fences, or other features suitable for separating the front yard space from the public right-of-way.

(3) In the B-2 District, part of this requirement may be met instead with an improved outdoor pedestrian plaza, outdoor cafe or similar usable public space, provided that the applicant proves to the satisfaction of the Planning Commission that the plaza/café/space would serve a suitable function and include an appropriate design.

e. For a corner lot, this provision shall apply to both street frontages  
f. If the Zoning Officer determines that there is not an average front yard building setback, then the minimum front yard building setback shall be 5 feet and the maximum front yard building setback shall be 15 feet, except in the B-2 District where the minimum front yard setback may be 0 feet.

g. Double Frontage Lots. On a double frontage lot an applicant may opt to apply the provisions of this section to only one of those two street frontages as follows:

(1) In instances where the two street frontages front on streets with different street classifications (for example, collector street versus a local street) as identified in the City's Comprehensive Plan, these provisions shall apply to the street frontage with the higher street classification. The Zoning Officer may approve a request by the applicant that these provisions may apply to a street different frontage where the applicant demonstrates that such setback would be most consistent with the existing development pattern of surrounding blocks. The Zoning Officer may request a review by the Planning Commission of such matter.

(2) In instances where the two street frontages front on streets with the same street classification (for example, two local streets), the applicant may select which of those streets shall be subject to these requirements after consultation with the Zoning Officer and Planning Director.

h. A building shall still comply with the sight distance requirements of City ordinances at a street intersection, which may require a building to be set back further from the street in certain cases. In such cases, the deviation from the required average front yard setback shall only be to the extent necessary to comply with the sight distance requirements.

i. An unenclosed stoop, steps, or wheelchair ramp may intrude up to five (5) feet into the front yard setback.

2. Vehicle Parking and Access.

a. No new vehicle parking spaces shall be allowed within the area between the front lot line and the principal building. However, this provision shall not prohibit the rearrangement of existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street.

b. When a new principal building is proposed, if a rear or side alley exists adjacent to the lot or an existing alley can feasibly be extended, such alley shall be used as access for any new vehicle garage, driveway or parking spaces. In making this determination, the Zoning Officer and/or the Planning Commission in the case of a subdivision or land development, shall consider the following factors: the topography of the land; the length

- of the required extension; the location of off street parking for other buildings in the block and the opinion of the City Engineer as to the constructability of the alley. Additionally, as part of the Land Development process, these provisions may be modified if an alternative point of vehicle access is specifically required by the Pennsylvania Department of Transportation or the City Planning Commission. In any case, a corner lot may have a garage, driveway or parking accessed from a street that is not along the front lot line.
- c. Any new parking area proposed to be located adjacent to a street right-of-way, other than that required for a single family home, shall be screened from the adjacent street right-of-way with shrubbery or an architectural wall or mostly solid decorative fence, between 30 and 42 inches in height.
  - d. Double Frontage Lots. The provisions of Section 1314.02 C.1.g above shall apply to this section, however any parking that is located adjacent to a street right-of-way shall continue to be subject to Section 1314.02 C.2.c.

SECTION THREE: That upon approval, the City Clerk is directed to incorporate the above sections into Zoning Ordinance #14835, as amended.

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

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer, Vice President	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on September 7<sup>th</sup> and signed by the Mayor on September 16<sup>th</sup>, 2011.

  
CITY CLERK

**Bill: Technical Zoning Ordinance amendments to clarify various provisions within the Traditional Neighborhood Development Overlay District (TNDO).**

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

*Origination: Department of Community and Economic Development, Bureau of Planning and Zoning.*

- Summary and Facts of the Bill

*The bill amends the TNDO district by including regulations as to how those provisions relate to a number of development scenarios.*

- Purpose

- 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 bill clarifies and fills in some gaps in the existing ordinance language.*

- Financial Impact

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

*None.*

- Funding Sources

Make sure bill gives specific accounts if money is moved around.

*N/A*

- Priority status/Deadlines, if any.

*None.*

- Why should Council unanimously support this bill?

*The changes support and strengthen the purpose of the TNDO district by ensuring that new development will be more reflective of the surrounding community and by creating more walkable communities*